

J. A. Stegall to be postmaster at Hereford, Tex., in place of Ralph H. Barnett, resigned.

Carrie L. Wilson to be postmaster at Celina, Tex., in place of J. L. Wilson, deceased.

VIRGINIA.

Lucile H. Prince to be postmaster at Stony Creek, Va. Office became presidential October 1, 1916.

WASHINGTON.

Agnes J. Hare to be postmaster at Mabton, Wash., in place of Howard W. Hare, resigned.

WISCONSIN.

Felix A. Roeseler to be postmaster at Hustisford, Wis. Office became presidential October 1, 1916.

WITHDRAWAL.

Executive nomination withdrawn February 10, 1917.

Evan C. Seamon, of Pennsylvania, for provisional appointment as second lieutenant in the Coast Artillery Corps.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 10, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Inspire us, our Heavenly Father, with renewed faith and confidence in the overruling of Thy providence for the eternal good of man; that we may follow the dictates of conscience in all the affairs of life as individuals and as a nation, with malice toward none and charity for all; but with firmness in upholding our rights and the rights of all mankind; for Thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the high cost of living.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. NEELY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. NEELY. Mr. Speaker, I ask unanimous consent to have printed in the Record a copy of a short resolution adopted by the House of Delegates of West Virginia indorsing the course of this Government in severing diplomatic relations with the Imperial Government of Germany.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Speaker, about a week ago I brought before the House the question of a certain resolution which I had introduced relative to getting some information from the Department of Labor concerning Ellis Island, and I announced that I purposed to get the resolution reported or have a roll call. I desire to say to the House that it will not be necessary to have a roll call, but that the resolution will not be reported. The chairman of the Committee on Immigration arranged a compromise by which the department sent to that committee the documents for my inspection upon my agreement not to give to the newspapers any information contained in the documents relative to the investigation. I agreed, with the reservation that I might and would give information to the House Committee on Immigration and Naturalization.

The information was sent, I looked it over, I gave the information to the House Committee on Immigration, and, in my judgment, the House Committee on Immigration and Naturalization ought to go further and get the remaining information, which, I think, is still in New York, and ought to take some action on the astounding conditions which the record discloses.

During the recent campaign the Commissioner of Immigration at Ellis Island challenged me to a joint debate. It was had and it was interesting. During it he made two remarks which challenged my attention. One was that one of the accused watchmen at Ellis Island had been vouched for as to his moral

character by myself. I thought that was probably so, as the commissioner stated it, because I have vouched for the moral character of a good many men in the Government service. But I find from an inspection of the records that the commissioner dealt with a half truth, and that the situation was this: In 1913, when I was not a Member of Congress, and when, of course, the administration of the Government was Democratic, a colleague of mine, now a Member of the House, for some reason requested me to recommend, on his authority, a certain watchman at Ellis Island. I wrote to some one—I do not remember who, the record does not disclose—stating that I had been informed by a gentleman in whom I had every confidence that the man referred to was a man of good moral character. I have consulted with the colleague who asked me to make the request at that time, and he has suggested I give his name to the House. I do so with the statement that I have known him for 18 years and have never known him to make a misstatement of facts. The colleague who asked me to make the request was my very good friend, the Hon. DANIEL J. RIORNAN. Therefore I had the pleasure of recommending to a Democratic official a Democrat at the request of a staunch Democratic Congressman. If Commissioner Howe thinks I made a mistake about it, he is welcome—

Mr. MANN. And the man was appointed?

Mr. BENNET. It was a transfer, and I believe the transfer was made.

Mr. MANN. The gentleman has more influence outside of Congress than the Republican and Democratic Members have had inside Congress.

Mr. BENNET. I admit that.

Mr. FITZGERALD. The gentleman stated this was in 1913, when he was not a Member of Congress. Was it before or after the 4th of March?

Mr. BENNET. It was along in August, as I recollect, 1913, when the administration was Democratic.

Mr. FITZGERALD. The gentleman, although not a Member of Congress, was potential in aiding a Democratic Member of Congress in having this man appointed.

Mr. BENNET. I was, and I think that was commendable. I know there were certain reasons why possibly my Democratic colleague did not apply to my present interlocutor for any assistance in getting an appointment under a Democratic administration.

Mr. FITZGERALD. He wanted results.

Mr. BENNET. He wanted results and knew—

Mr. FITZGERALD. He knew he could not get it through me.

Mr. BENNET. He knew possibly he would meet with difficulty in getting it through my colleague, the gentleman from New York.

There is one other statement the commissioner at Ellis Island made. It was that he had urged the department to show me these records. I found, not much to my surprise, that he had written a letter to the department urging the department not to let me see the records. That is in line with the general conduct of the Commissioner of Immigration at Ellis Island in the recent past. That is all on this subject, and I ask unanimous consent to extend my remarks in the Record in connection with some criticisms I made of Mr. Donald, of the Shipping Board, by printing a letter from the Panama Commission calling attention to what are claimed to be some errors in my statement.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE PANAMA CANAL,
Washington, D. C., January 12, 1917.

Hon. WILLIAM S. BENNET,

House of Representatives United States, Washington, D. C.

SIR: My attention has been called to the statements you made on the floor of the House of Representatives on January 4 last, as reported on page 966 of the CONGRESSIONAL RECORD, in reference to complaints you made in 1909 relative to certain advertisements issued by the then Isthmian Canal Commission for anticorrosive and antifouling paints equal to Rahtjen's or Holzappel's. The following is a quotation from your remarks:

"At about the same time my attention was called to some rather peculiar proceedings in connection with the ships of the Panama Line at Panama. On the recommendation of the Panama Commission the War Department had issued an advertisement for antifouling composition paint there, and they had asked for bids on four times as much paint as they could use in any one year."

"I laid all the facts before Mr. Jacob M. Dickinson, then Secretary of War, who made an investigation and set the whole procedure aside because he did not like the smell of it. Curiously enough thereafter the Panama Commission found out it could make composition paint for the bottom of their ships, and they ceased advertising. I went down to the office of the commission while the thing was on, and the Army officer in charge said 'Mr. Bennet, you act as though you thought our purchasing department was crooked.' I said, 'That is what I do think,' and subsequently Members of this House may recall that mem-

bers of the purchasing department of the Panama Canal Commission were indicted for graft."

The facts connected with the purchase of these paints were published in a hearing held before the House Committee on Appropriations in November, 1909, in connection with estimates for the construction of the Isthmian Canal for the fiscal year 1911, and I inclose herewith a copy of these hearings and would invite your attention to pages 99 to 115, inclusive, covering this subject, from which it will be seen, as you will no doubt remember, that the Secretary of War in a letter to you dated November 23, 1909, replied to the statements contained in your letter of August 25, 1909. The Secretary of War's letter, together with the other documents published, shows, I think you must admit, that the insinuations that there was anything "crooked" connected with these transactions is not warranted.

Furthermore, in connection with your remark that members of the purchasing department of the Panama Canal Commission were indicted for graft, I would state that there is absolutely no foundation for this statement. No one connected with the purchasing department of the canal has ever been indicted, nor have any charges ever been brought against anyone connected with this department. You may perhaps have had in mind the case of Mr. John Burke, who was formerly manager of commissaries on the Isthmus, against whom charges were brought in connection with accepting bribes, but Mr. Burke never had any connection with the purchasing department of the Panama Canal, nor with this office in any way.

It is presumed that you did not intend to misstate the facts respecting the purchasing department of the Panama Canal, and it is hoped that your sense of fairness and justice will prompt you to make some explanation and correction of the statements you recently made on the floor of the House as above quoted.

Very respectfully,

EARL I. BROWN,
Major, Corps of Engineers, United States Army,
General Purchasing Officer.

P. S.—It may be added for your information that the matter appearing on pages 99 to 115 of the hearings before the House Committee on Appropriations, above referred to, was republished in House Document No. 1967, Sixty-first Congress, third session.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20632, a bill making appropriations for the naval service ending June 30, 1918, and for other purposes.

Mr. MANN. Pending that motion, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. It is stated that quite a number of the Members of the House are absent this afternoon on account of a trip to a Lincoln memorial service at Cumberland Gap. Monday is a holiday, though not in the House, it being Lincoln's birthday. Would it be practicable to have an agreement that the vote on the final passage of the naval bill be postponed until Tuesday, merely to accommodate Members of the House?

Mr. KITCHIN. What would we do on Monday?

Mr. MANN. Oh, well, we could go ahead with other business.

Mr. KITCHIN. With the pension bill?

Mr. FITZGERALD. With the pension bill and with general debate on the military bill.

Mr. MANN. Just vote on the final passage of this bill on Tuesday.

Mr. KITCHIN. With the understanding that on Monday after we get through with the business on the Speaker's table we could take up the pension bill and the military bill. That would be agreeable to us.

Mr. TALBOTT. Monday will not be District day, then?

Mr. KITCHIN. No; it would not, because a motion to go into the Committee of the Whole House to consider the pension appropriation bill or the military bill will prevail over it, anyway.

Mr. PADGETT. There will be no trouble about that.

The SPEAKER. Does anybody make any request?

Mr. MANN. Suppose we settle it now, so that Members will know.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that after the reading of the bill in the Committee of the Whole House on the state of the Union—

Mr. MANN. The proposition is that the vote on the final passage of the bill be postponed until Tuesday.

Mr. PADGETT. After the reading of the Journal.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that the vote on the final passage of the naval bill be postponed until after the reading of the Journal on next Tuesday. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Military stores, Marine Corps: Pay of chief armorer, at \$4 per diem; 1 mechanic, at \$3 per diem; 2 mechanics, at \$2.50 each per diem; 1 chief electrician, at \$4 per diem, and 1 assistant electrician, at \$3.50 per diem; per diem of enlisted men employed on constant labor for periods of not less than 10 days; purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, canteens, rifle slings, swords, drums, trumpets, flags, waistbelts, waist plates, cartridge belts, spare parts for repairing rifles, machetes; purchase and repair of tents, field cots, field ovens, and stoves for tents; purchase and repair of instruments for bands; purchase of music and musical accessories; purchase and marking of prizes for excellence in gunnery and rifle practice; good-conduct badges; medals awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; incidental expenses of schools of application; construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums for enlisted men, and the purchase and repair of all articles of field sports for enlisted men; purchase and repair of signal equipment and stores; establishment and maintenance of targets and ranges, renting ranges, construction of buildings for temporary shelter and preservation of stores, and entrance fees in competitions; procuring, preserving, and handling ammunition and other necessary military supplies; in all, \$852,000.

Mr. HICKS. I move to strike out the last word, Mr. Chairman, and I do so for the purpose of making a statement. Yesterday when the committee had under consideration this bill I offered an amendment in these words:

That no part of any appropriation herein shall be used to pay any officer on the active list of the Navy or Marine Corps who shall engage in any private business, either actively or as a consulting expert, or permit any person, firm, or corporation or association to use his name in the conduct of its business.

I had intended, Mr. Chairman, to reoffer that amendment this morning, but realizing that this is a matter that will probably require a good deal of investigation, and not desiring to injure anyone in the service, I merely want to make the statement now that I will not offer it later on.

Mr. BUTLER. Mr. Chairman, yesterday during the consideration of this bill the gentleman from New York [Mr. HICKS] offered his amendment, which, it seems to me, should be adopted. Since then, however, I have had communication with some of the officials of the department, and I believe by adopting that amendment at this time it might perhaps do an injustice to some of the officials in the department. One of the gentlemen toward whom I thought this amendment was directed I have talked with and have his statement. I have discovered in an ex parte way that the gentleman is in no wise interested in any patent. He has worked for the Government. He has prepared plans for the department of machinery for the Government and handed them out to anyone who might see fit to use them.

Now, Mr. Chairman, with the permission of the chairman of the Committee on Naval Affairs, I would like to make the gentleman from New York [Mr. HICKS] a promise that if I should live to serve on this committee in the next Congress I shall ask the committee to make an investigation of all the facts involved in the gentleman's amendment, and ask him to attend at the time the hearing is had, to the end that we may report to Congress any measure that will put an end to the condition the gentleman thinks exists.

Mr. PADGETT. And in that I will gladly cooperate.

Mr. HICKS. Allow me to thank the gentleman and to express the hope that he will not only live during this session of Congress but during many others. [Applause.]

The Clerk read as follows:

Transportation and recruiting, Marine Corps: For transportation of troops and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferrage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, \$500,000: *Provided*, That authority is hereby granted to employ the services of advertising agencies in advertising for recruits under such terms and conditions as are most advantageous to the Government.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Pennsylvania [Mr. BUTLER] a question. Referring to the subject that the gentleman discussed a moment ago, I would like to ask the gentleman's opinion whether he does not think that our Army and Navy officers should be required to assign to the Government the patents that they may perfect while they are in active service?

Mr. PADGETT. That is the law, as I understand it, now; and in this matter referred to there was no patent whatever. The gentleman was giving out the information as they wanted it and putting it in the form of books.

Mr. HUDDLESTON. I have heard it charged here on the floor that certain eminent officers—one in particular—had perfected patents relating to ordnance—not to go more into detail—and was receiving royalties from them, and that the inventions were being used by foreign countries, and that in the event of

war we would be confronted by armies using inventions perfected by officers of the American armies while in active service as the result of experiments conducted at Government works, where the patents were perfected. I want some information from gentlemen who are acquainted with the subject on that point.

Mr. BUTLER. Mr. Chairman, I think the chairman of the Naval Affairs Committee answers the gentleman's question. I will add that I do not believe any officer on the active list in the military service should have the permission given him to turn over to either private concerns of this country for profit, or any other country, any invention which he makes during the time he is in the service, provided the invention might be employed in the military service for the benefit of our Government.

Mr. HUDDLESTON. Does the gentleman know whether any officers are now receiving royalties on patents?

Mr. BUTLER. I do not. It is for the purpose of making an examination that I requested the gentleman from New York [Mr. Hicks] to withhold his proposed amendment until the opportunity might be given to the Committee on Naval Affairs of the House to look into the subject. I do not know anyone now; I thought I did yesterday, but I feel quite well satisfied this morning that I was mistaken in my impression.

Mr. HUDDLESTON. It is a fact, however, that officers who are on the retired list and receiving three-fourths pay, or substantially that, are in the employment of private concerns and drawing handsome salaries?

Mr. PADGETT. We have a law on that, the law of 1896, to the effect that—

Hereafter no payment shall be made from an appropriation made by Congress to any officer in the Navy or in the Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.

Mr. HUDDLESTON. That is not applicable to other lines of employment?

Mr. PADGETT. No.

Mr. HUDDLESTON. So that there is no reason why a retired officer of the Army or Navy may not draw a salary of \$5,000 or \$10,000 a year from employment in positions in private business?

Mr. PADGETT. No; only as limited in this bill, affecting the Government, and then it does not apply to the Army, but only to the Navy and the Marine Corps.

Mr. HUDDLESTON. Is it a fact that officers do go on the retired list and then go into other business and make handsome salaries?

Mr. PADGETT. They do, but it does not interfere with Government matters.

Mr. HUDDLESTON. If a man is worth a fine salary in active business, ought he not to be continued in service in the Army?

Mr. PADGETT. No; a man might be a one-legged man, and that would incapacitate him for service in the Army.

Mr. HUDDLESTON. Have we not some places in the Army where a one-legged man could render valuable service?

Mr. PADGETT. No; I do not think so.

Mr. BUTLER. As the case stands now, the matter has been deferred, and we will make an investigation into the matter, and then we can talk with greater intelligence about it when we take it up again.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Forage, Marine Corps: For forage in kind and stabling for public animals of the Quartermaster's Department and the authorized number of officer's horses, \$68,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I notice in the preceding item the appropriation for forage and stabling of animals in the Quartermaster's Department is considerably reduced. I had supposed that there was no reduction in the cost of animal feed. Why is this reduction in the amount of the appropriation? Is it based upon the expectation that peace will be declared and the price of corn and hay will be considerably decreased?

Mr. PADGETT. No, sir. Public animals are being replaced from time to time, when necessary and practicable, by motor trucks, and the sum asked for is based upon the estimated number of animals that will be in use by the corps when this appropriation becomes available. They are using motor trucks in transportation instead of horses.

Mr. MANN. Instead of buying corn they will buy gasoline?

Mr. PADGETT. Yes, sir.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Contingent, Marine Corps: For freight, expressage, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and enlisted men and retired enlisted men of the Marine Corps, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States; stationery and other paper, printing and binding; telegraphing, rent of telephones; purchase, repair, and exchange of typewriters; apprehension of stragglers and deserters; per diem of enlisted men employed on constant labor for periods of not less than 10 days; employment of civilian labor; purchase, repair, and installation and maintenance of gas, electric, sewer, and water pipes and fixtures; office and barracks furniture, camp and garrison equipage and implements; mess utensils for enlisted men; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolyzed paper, carpenters' tools, tools for police purposes, safes, purchase, hire, repair, and maintenance of such harness, wagons, motor wagons, armored automobiles, carts, drays, motor-propelled and horse-drawn passenger-carrying vehicles, to be used only for official purposes, and other vehicles as are required for the transportation of troops and supplies and for official military and garrison purposes; purchase of public horses and mules; services of veterinary surgeons, and medicines for public animals, and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; purchase and repair of hose, fire extinguishers, hand grenades, carts, wheelbarrows, and lawn mowers; purchase, installation, and repair of cooking and heating stoves and furnaces; purchase of towels, soap, combs, and brushes for offices; postage stamps for foreign and registered postage; books, newspapers, and periodicals; improving parade grounds; repair of pumps and wharves, water; straw for bedding, mattresses; mattress covers, pillows, sheets; furniture for Government quarters and repair of same; packing and crating officers' allowance of baggage on change of station; deodorizers, lubricants, disinfectants; and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, \$846,385: *Provided*, That hereafter none of the pay and allowances authorized for enlisted men detailed as clerks and messengers in the office of the major general commandant and the several staff offices shall be forfeited when granted furlough for not exceeding 30 days in each calendar year.

Mr. MANN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. Especially in connection with the proviso. How many enlisted men are detailed as clerks and messengers in the office of the commandant or other staff officers? Does the gentleman happen to know?

Mr. PADGETT. I understand, or my impression is, somewhere in the neighborhood of 75, all told.

Mr. MANN. These men when they are detailed have their pay increased so as to correspond with the ordinary clerical pay?

Mr. PADGETT. I believe they get about \$1.20 a day extra. That is my recollection.

Mr. MANN. Are they noncommissioned officers?

Mr. PADGETT. They are enlisted men. They may be noncommissioned officers.

Mr. MANN. Of course, the pay of an enlisted man, as such, is not very high, and increasing it \$1.20 a day would not be making it very high pay?

Mr. PADGETT. No, sir.

Mr. MANN. I suppose the purpose of this is to place them on a level with the ordinary clerks in Washington?

Mr. PADGETT. Yes; and if they were detailed on duty at the barracks and on furlough they would not lose their pay. If they were not detailed and were furloughed for more than 24 hours, they would lose their pay.

Mr. MANN. Are the men at the barracks furloughed for 30 days on pay?

Mr. PADGETT. Yes; I believe they may get pay.

Mr. MANN. Now, I want to ask the gentleman as to the grammar of the proposition. I suppose this item was prepared by some clerk in the Quartermaster's office. The word "none" is supposed to mean no one, and is not properly used in the plural. I will withdraw the point of order and offer an amendment to strike out the word "none" and insert in lieu thereof the words "no part."

The CHAIRMAN. The gentleman from Illinois withdraws the point of order and offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 57, in line 18, strike out the word "none" and insert the words "no part."

Mr. PADGETT. I think that is proper and a good amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the authorized expenses of the Marine Corps Reserve, \$25,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask the indulgence of the committee and the attention of the chairman to a statement I wish to make in advance of our reaching the item, "Increase of the Navy," because when that item is reached I presume there will be much discussion upon it. I am in favor of the increase of the Navy, but I think this is a proper place to put the inquiry that I would like the chairman to answer, if he will.

In the item headed "Increase of the Navy" provision is made for "1 submarine tender, \$1,900,000; 18 coast submarines, to have a surface displacement of about 800 tons each, \$1,300,000 each." I favor these appropriations, and would prefer that we should build even more submarines than are provided for in this paragraph. But inasmuch as much of the war trouble that now beclouds the horizon arises from the use of submarines by one of the foreign nations, I would like to know whether our understanding, or the committee's understanding, of international law is, that if any foreign nation uses submarines in what is reported to be "ruthless warfare," that objection would hold against the United States if we should be engaged in war and should find it necessary to use submarines?

Mr. PADGETT. Of course, the gentleman can understand that I am not prepared or commissioned to speak for anyone except myself. I have no authority to speak for the present administration or for any future administration that may be in power. I presume I would be authorized to say that the Government of the United States, if engaged in war, would conduct it along the recognized and proper lines of conducting war and would observe all of its obligations and perform all of its duties. [Applause.]

Mr. MOORE of Pennsylvania. I am obliged to the chairman of the committee for that statement, and if he will listen to what I desire to say it may be that he will care to say something further.

Mr. TOWNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Iowa.

Mr. TOWNER. I think the objection to the submarine is principally directed toward its use as an instrument of destruction of merchant vessels. Certainly no one has made any protest so far against their use as vessels of war against vessels of war, and it occurs to me that the gentleman's statement is entirely justified when he says we ought to increase these rather than diminish them, because we are acting ostensibly and with the avowed declaration that these increases in our Navy are for defensive purposes. Certainly the submarine has demonstrated itself as the greatest and most efficient coast-defense instrument of war that has yet been devised.

Mr. MOORE of Pennsylvania. Will the gentleman hold there for a moment?

Mr. TOWNER. Yes.

Mr. MOORE of Pennsylvania. I want to finish this in five minutes, if possible. Does the gentleman think that if we should make a declaration of war against any nation it would be proper for us to use our submarines either for offensive or defensive purposes?

Mr. TOWNER. Why certainly, as against enemy vessels—as against vessels of war.

Mr. MOORE of Pennsylvania. Does the gentleman think it would be proper for us to use our submarines to capture or to destroy any other vessels that contained contraband, or that were known to be hostile to the United States?

Mr. TOWNER. I think so clearly; but the extent to which they may be used as against merchant vessels, either of belligerent or neutral powers, is a very mooted question.

Mr. MOORE of Pennsylvania. I understand, and I think the gentleman will agree that the whole point in controversy between Germany and the United States now is that Germany is using submarines, attacking marchantment, armed or containing contraband, and that the United States resents that use of submarines by Germany.

Mr. TOWNER. As against a neutral power, certainly.

Mr. MOORE of Pennsylvania. The query then arises, why are we building submarines? Is it merely to keep them afloat, merely to harbor our sailors, or are we building submarines with a view of attacking or defending?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TOWNER. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. TOWNER. Again let me say to the gentleman from Pennsylvania that no one contends that we have not the utmost right to use submarines, or that any other nation has not the right to use them as vessels of war against vessels of war; and this war has demonstrated that there is no defensive power that is equal to the submarine; because with a navy two or three times that of Germany opposed to her, Germany has been able to protect her coast and her coast cities absolutely, principally by the use of submarines and the fear of submarines; and these that we are appropriating for in this bill are to be used, as I say, principally as a defense against vessels of war that may be sent to attack our coasts.

Mr. MOORE of Pennsylvania. Does it occur to the gentleman that sometime in the course of a war in which the United States might engage, particularly a foreign war if we should be dragged into it, it might be advisable for us to attempt a blockade of the ports of a foreign country?

Mr. TOWNER. That is a question that no one could determine in advance, I think.

Mr. MOORE of Pennsylvania. Would it then be advisable, or would it be in accordance with international law, for us to send our United States submarines to establish that blockade and to maintain it against our enemy's commerce, even if we had to sink some ships?

Mr. TOWNER. Why, certainly; I suppose we would have the same right to use that kind of a vessel of war as we would have to use any other kind of a vessel of war to maintain a blockade, if under international law it was a legal blockade.

Mr. MOORE of Pennsylvania. I thank the gentleman for his expressions of opinion as to international law and as to the rights of this Government to use submarines. Now, Mr. Chairman, I believe we ought to construct these submarines, and that we ought to construct more of them. Their efficiency in naval warfare has been demonstrated. Germany has them and is using them very successfully. Great Britain has them and is using them to the best of her ability. As between these two nations there seems to be no practical difference as to the right of either of them to use their submarines, but the United States has taken the position that Germany is using her submarines improperly. No one has said a word about the manner in which Great Britain is using her submarines. The whole sum of the contention is that Germany is conducting a "ruthless submarine warfare." If Germany has no right to use her submarines, it may be a fair question to ask why we are building them. The United States is building submarines, and most of us believe in the construction of submarines; we certainly believe we are constructing them for some useful purpose. I believe we are constructing them for a fighting purpose, if need be.

The question arises, why should we continue to construct submarines at enormous expense if we are not going to use them somewhere for offensive or defensive purposes? If we were forced into a crisis which necessitated the blockading of a foreign port or a crisis which necessitated the defense of our own coasts, would we use those submarines in the manner the nations now at war use them; and if we would so use them, what becomes of our grievance against other nations which are using them?

Mr. TEMPLE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. TEMPLE. If the same use were made of surface vessels, sinking merchant ships without warning, by 8-inch or 14-inch cannon on battleships, do you not suppose we would make the same protest? In other words, it is not a protest against the particular weapon, but against the thing that is done by the use of any weapon. The invention of a new weapon does not change the rights of neutrals against whom that weapon is used.

Mr. MOORE of Pennsylvania. I wish the gentleman from Pennsylvania [Mr. TEMPLE], who is versed in this subject of international law, would take the floor in his own right and explain the situation. [Applause.] The question with me is this, are we building these submarines merely to have and to hold them as an ornament or are we building them with a view to using them when some one strikes at us with a mailed fist? Will we strike back with a mailed fist or will we wait until some question of international law is settled? It will

take a long while to bring any war to an end if we have to confer with the enemy every time we propose to attack him.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman have one minute more and that I may make a statement.

The CHAIRMAN. The gentleman from Pennsylvania asks that his colleague's time be extended one minute. Is there objection?

There was no objection.

Mr. BUTLER. I voted for this appropriation with the understanding that these weapons would never be used to commit unjustifiable murder, and for no other reason would I vote for it.

Mr. MOORE of Pennsylvania. May I ask the gentleman this?

Mr. MCKENZIE. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may have an additional five minutes in which to tell the House what his idea of submarines is and how they should be used.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may have five minutes in which to give the House certain definite information. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. In answer to the gentleman from Pennsylvania, I will say that he is a good, sturdy, peace-loving Quaker, but he fights sometimes—

Mr. BUTLER. I am not a Quaker.

Mr. MOORE of Pennsylvania. A Friend.

Mr. BUTLER. Nor a Friend; I do not belong to the society of either. I have made that statement in the House 40 times, and this is the last time. I would not disgrace those honorable people by assuming to belong to them. That is the way I look at it.

Mr. MOORE of Pennsylvania. The gentleman swears by the uplifted hand.

Mr. BUTLER. I do not swear at all; I can keep my word without swearing.

Mr. MOORE of Pennsylvania. The gentleman got into the House somehow. [Laughter.]

Mr. BUTLER. I got into the House because my constituents sent me here, and I did not ask for any outside help.

Mr. MOORE of Pennsylvania. The gentleman said he voted for submarines, but that there should be no unnecessary bloodshed.

Mr. BUTLER. I did not say that.

Mr. MOORE of Pennsylvania. No, unjustifiable murder; that was it. I would like to inquire whether any war is conducted on a peace basis; whether they do not kill each other in war?

Mr. DYER. The gentleman from Pennsylvania has not given us that information.

Mr. REAVIS rose.

Mr. MOORE of Pennsylvania. I will yield to the gentleman from Nebraska.

Mr. REAVIS. There has been so much said and written that I am confused, and I am asking for information. What does the gentleman understand our complaint against Germany to be—sinking our vessels bearing contraband or sinking our vessels without warning and without giving the lives on them a chance to escape?

Mr. MOORE of Pennsylvania. The President, when he came here on Saturday—

Mr. MCKENZIE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MCKENZIE. I object to the gentleman's time being all taken up in answering questions. He was to proceed for five minutes to make a statement to the House, for which I asked the extension of time.

Mr. MOORE of Pennsylvania. I think I can answer the gentleman from Nebraska in a minute. When the President came here and announced the severance of diplomatic relations with Germany, he indicated that there had been a breach of understanding between the two countries; that Germany had given notice of a change of position on the submarine question, which the United States did not stand for. It is charged in the newspapers that Germany is using the submarines in contravention of international law; that it destroys vessels; and that human life has been taken in consequence of the destruction of the vessels.

Mr. REAVIS. Was not the breach of the understanding the note of Germany indicating that these vessels would be sunk without warning?

Mr. MOORE of Pennsylvania. The original understanding was that Germany would cease the submarine warfare she had been carrying on, and the President said that notice was given by Germany that Germany intended to resume that warfare;

hence there was such a misunderstanding as justified the sending home of the German ambassador.

Mr. GARDNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; for a question.

Mr. GARDNER. Does the gentleman think that the sending home of the German ambassador was justified or not?

Mr. MOORE of Pennsylvania. Well, the gentleman has a certain Anglomaniac notion—

Mr. GARDNER. That does not answer the question.

Mr. MOORE of Pennsylvania. Why, certainly; if the President thought there had been such a breach of diplomatic relations between the two countries as to justify it, he should have sent the German ambassador home. But that does not mean what the gentleman has in mind, that that should be followed up by a declaration bringing 100,000,000 people into war.

Mr. GARDNER. Why does the gentleman think that; why should he say I think so?

Mr. MOORE of Pennsylvania. Because the gentleman is one of the most warlike of the gentlemen who favored the severance of relations—

Mr. GARDNER. Has the gentleman any reason for that statement?

Mr. MOORE of Pennsylvania. The gentleman has made speeches indicating it and has offered resolutions.

Mr. GARDNER. I absolutely deny the statement that the gentleman just made, that I think it ought to be followed up with a declaration of war.

Mr. MOORE of Pennsylvania. The gentleman has denounced Germany heretofore and indicated that we should break with Germany. He has done it in his speeches, and he has gone out of his way to force this Congress into discussion of such matters.

Mr. GARDNER. What is the gentleman from Pennsylvania doing now?

Mr. MOORE of Pennsylvania. I am trying to maintain peace with honor. The gentleman from Massachusetts has been licking the Hohenzollerns.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SLAYDEN. Mr. Chairman, I have waited patiently and listened attentively to the definite information provided for in the request of the gentleman from Illinois [Mr. MCKENZIE] about submarines and their proper use. I have some definite views—at least I think they are definite—in relation to submarines and have been trying to express them.

Mr. MOORE of Pennsylvania. Will my friend yield me half a minute of his time?

Mr. SLAYDEN. I will if the gentleman will use it quickly.

Mr. MOORE of Pennsylvania. I want to answer the question of the gentleman from Illinois in reference to submarines. If we were in conflict with a foreign power, like Germany, for instance, and we had submarines, I would use those submarines to beat that foreign power, no matter whether they destroyed lives or not. I would fight to win. When nations are at war life and property are subject to destruction. I deplore war and would hold out against it until the last, but if my country becomes involved in war I would not expect it to yield because somebody got hurt. That is war.

Mr. SLAYDEN. Of course, Mr. Chairman, that is what they are designed for, and we have had some curious information or misinformation here with reference to them. My learned friend from Iowa [Mr. TOWNER] suggests—I think it was he—that they are excellent coast-defense weapons. In view of what has recently happened, I would like to ask whose coast they defend? Most of the sinkings that have occurred recently have been along the coast of Great Britain, which has the most powerful navy that floats on the surface of the water, but which, apparently, is unable to prevent the coming of hostile submarines to her coasts and the sinking of ships—8, 10, 15, 20 of them a day, so near to those coasts that the victims, the passengers and crews on the ships that are sunk, can get into open boats and find their way to the coast of Ireland or some other part of Great Britain. They were in their original conception defensive weapons, and they are the most powerful defensive weapons ever conceived by the mind of man, but, in my judgment, they have come to be the most effective and powerful offensive weapons also.

When they can send those boats thirty-five hundred miles from Bremen to the coast of the United States and back again, and, if my recollection is right, upon the same fuel supply they took upon the other side, then submarines have passed that period when they are merely defensive weapons.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. I have only a minute.

The CHAIRMAN. The gentleman declines to yield.

Mr. SLAYDEN. Mr. Chairman, not only have they ceased to be merely defensive weapons, but, in my judgment, they have become the most effective offensive weapons, and I think they have verified a prediction of mine in this House quite two years ago—in September, I think it was, 1914—in which I ventured to quote in the RECORD the opinion of Sir Percy Scott, admiral of the British Navy, that the time was near when great dreadnaught battleships would become museum pieces merely, and nothing has happened yet in this war that has demonstrated their ability to float upon the surface of the ocean in defiance of a submarine that happens to be in their vicinity. I believe, as Sir Percy Scott believed, that all of the money we are spending for these huge ships of war, these expensive leviathans, is waste. I believe in the construction of submarines. I believe that the United States Navy is not apt to be oversupplied with them, because they meet the conditions that my friend Mr. BUTLER, from Pennsylvania, has in his mind of a defensive weapon. I mean that he has in his mind during those moments when he is not hostile, when he does not want to expend all of the money in the Treasury for weapons of war—in his calmer moments, when he lapses into the frame of mind to which he was trained in his youth.

Mr. BUTLER. What does the gentleman know about my training in youth?

Mr. SLAYDEN. I formed a very excellent opinion of it from many conversations I have had with my friend, who was a very antiwar man most of his earlier life in this House, I think.

Mr. BUTLER. I would rather be an American citizen than be right. What do you say to that?

Mr. SLAYDEN. All I can say is that everyone in such matters must be guided by his own conscience and judgment. I claim that privilege for myself and cheerfully concede it to others.

Mr. TEMPLE. Mr. Chairman, this debate has arisen in connection with the appropriation provided in this bill to build submarines. My colleague and friend from Pennsylvania [Mr. MOORE] has asked, Why build them if we are not going to use them?

I believe that no man on earth, certainly no man in any responsible position, has objected to the use of submarines. There are certain laws of war that have been developed in the experience of mankind that put restrictions upon the use of any weapon, and particularly that defend the right of any neutral. It is not a question as to whether a submarine may be used—

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Not at present. It is not a question of whether the submarine may be used, but whether it may be used as other weapons may not be used, in violation of the rights of neutrals which have been recognized from generation to generation. There is the same objection to the use of surface warships if they be used in the same unlawful way. When a merchant ship is attacked, it is, under certain conditions, subject to capture, but if it can not be taken into port, a practice has recently grown up—and I think the first instances recognized, so far as neutral ships are concerned, were in the Russo-Japanese War—it has recently been recognized that when the vessel so captured can not be taken into port, either because there is no port available to take it to or because taking it to port or sending it there in charge of a prize crew would interfere with the military operations of the captor, that vessel may be sunk; but it may be sunk only after the ship's papers have been examined and have furnished prima facie evidence that the vessel may properly be confiscated by judgment of a prize court. A ship's papers will include such documents as the certificate of registry to show what its nationality is, to determine whether it is an enemy or a neutral; the clearance papers to show the destination, to see whether it is bound for an enemy port or perhaps even a blockaded port; the manifest of cargo and invoices to show whether the vessel is carrying contraband. If those papers are examined or if the ship itself is searched and evidence is found which shows that the vessel is subject to confiscation, and if it is impossible for him to take it into port, then the captor may sink it.

In that case he should take the papers to the prize court in order that a case may be presented there and the owner may have his day in court claiming his property. The captor is also under obligation to provide for the safety of noncombatants upon the vessel, whether enemy or neutral, whether passengers or crew. It is never lawful to make war against noncombatants, and it is as unlawful upon the ocean as it is upon the land to fire upon women and children. [Applause.] An attack either by a submarine or a surface warship in violation of the rights of neutrals is unlawful and just as unlawful when it is done by a submarine as if it were done by a battleship. If subma-

lines are used for the same purpose and under the same restrictions with regard to the rights of noncombatants and the rights of neutrals, as are lawful when a surface vessel is used, there will be no objection.

It is a very different use of the submarine which is charged—and which, according to the last note which was sent to this country, was affirmed by Germany—it is that use that is objected to. Germany has inclosed an area of ocean which is the property in common of all mankind, and has said that all commerce must get off this part of the earth and stay off under penalty of being sunk. That is the thing objected to.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. TEMPLE. Just for a question.

Mr. STAFFORD. Is not the action of Great Britain in mining the coasts along which are neutral ports, for the purpose of preventing neutral nations sending their vessels into those ports and thus interfering with neutral commerce, akin to the action of Germany in establishing a war zone?

Mr. TEMPLE. That has nothing to do with the case. If John Jones is accused of murder, it is no defense for John Jones to say that William Smith has done it, too.

Mr. STAFFORD. Is it not a parallel case?

Mr. TEMPLE. That has nothing to do with the case.

Mr. GARDNER. Does the gentleman recognize any difference between elbowing out of a rich market a prosperous trader who is making a lot of money and murdering women and children on the high seas?

Mr. TEMPLE. That question also has nothing to do with the lawfulness of killing women and children and other non-combatants.

Mr. GARDNER. It is quite parallel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLEMAN. Mr. Chairman, I would ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TEMPLE. These parallels are very interesting, but it is no part of my present purpose to discuss them. I want to confine my discussion to one point.

Mr. FESS. Will the gentleman yield?

Mr. TEMPLE. For a question.

Mr. FESS. I would like to have the gentleman expand on the same subject, so as to extend to merchant vessels of belligerents as well as to neutrals.

Mr. TEMPLE. Merchant vessels of belligerents are also reckoned as noncombatant. They are subject to capture, whether carrying contraband or not, simply because they are enemy vessels. They are subject to capture and confiscation by a prize court, but the captain of the belligerent vessel that captures them is not a prize court and he can not confiscate them. He may seize and take them into court to have them passed on there. If a vessel resists such lawful capture, it loses its rights as a noncombatant and becomes subject to the same treatment as that given to a warship; that is, if it resists such capture, it can be blown out of the water, and the captain of the noncombatant vessel then would be responsible for the loss of life on the vessel under his command.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TEMPLE. For a question.

Mr. LONGWORTH. Would or would not the gentleman say that the only modification of international law which has been caused by the modern submarine is as to the question of what armament a ship may use against the submarine, and whether it shall be considered offensive or defensive?

Mr. TEMPLE. In answer to that, I would say I do not believe modern international law has been modified to any extent, not even in the case which the gentleman has mentioned.

Mr. LONGWORTH. Then the gentleman does not believe there has been any modification?

Mr. TEMPLE. If a vessel is a merchant ship, and her purpose is to deliver her cargo to a certain destination, she is allowed under international law to carry whatever weapons are necessary to accomplish that purpose, just as an express messenger on one of our trains which might be attacked by robbers is allowed to carry weapons to resist any attack. You would not limit him to a .22 caliber to do it, but you would give him a .45 Winchester repeating rifle.

Mr. EMERSON. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. EMERSON. When a merchant ship, armed for defensive purpose only, sees a submarine approaching it is absolutely necessary for the merchant ship to fire, because it knows if the

submarine fires first the merchant ship will have no occasion to fire.

Mr. TEMPLE. If it fires, of course, under the general law it loses its noncombatant status.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. TEMPLE. I will.

Mr. SMITH of Michigan. In view of the character of the weapon, the submarine, does the gentleman think it should be guided by the same rule of international law that requires a war vessel to take a merchantman in tow?

Mr. TEMPLE. In answer to that I will say that the right of a neutral does not depend upon the nature of the weapon used against him. The law is based on the rights of the neutrals, and it is unlawful to do certain things to a neutral, no matter what weapon is used to do them.

Mr. SMITH of Michigan. Suppose a warship or submarine was unable to take the merchantman into port. Would it have a right then to sink the ship?

Mr. TEMPLE. If I have the right to compel certain action, I may have the right to use certain means, but that right is limited. For example, I have the right to compel one of my children to go to school. Have I, therefore, the right to kill him in attempting to make him go to school? The rights of the belligerent are limited by the rights of the neutral.

Mr. ALLEN. Is not the proposition, then, as to the submarine simply this, that simply because you have a new weapon of warfare is no reason why you should use it in an illegal and inhumane manner?

Mr. TEMPLE. Just precisely that. The right of the neutral does not depend on the weapon that is used against him. If I am accused of murder and plead in defense that I used a kind of poison that had not been discovered when the law against murder was made, still the murder depends on the right of the murdered man to his life and not on the nature of the weapon that was used in taking his life.

Mr. FESS. I wish the gentleman would also state to the House what right the merchantman with a defensive armament has if a submarine appears out of his course or the submarine appears in the due course of the vessel? I am not questioning the right, understand, but I want the gentleman to state to the House the right of the captain on that defensively armed vessel as to when he can fire.

Mr. TEMPLE. He has the same right to fire on the submarine that he would have to fire on a surface vessel, but he does it at his peril.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TEMPLE. As soon as he abandons his legal status by beginning a fight he is subject to any kind of attack that would be lawful against a warship. Does that answer your question? He has a right to do it, but he must take the consequence.

Mr. FESS. That is, in case—

Mr. TEMPLE. That is in any case, whether he fires first or waits for the fire of the enemy.

Mr. FESS. I think there should be a qualification if the submarine is in the course of the vessel.

Mr. TEMPLE. He can not be both. If a noncombatant begins to fight, he is no longer a noncombatant.

Mr. FESS. Do I understand that if the submarine is in the course of a vessel, proceeding on its right, that he has a right to fire if he has any evidence that there is—

Mr. TEMPLE. That is a question of policy or of morals. It depends on the judgment of the captain of the noncombatant vessel always as to when he ought to begin and when he ought not to fight. I am not discussing the question of moral justification, but a legal question. When he does begin to fight, what is his legal status? Without doubt he then has the status of a combatant.

Mr. GREENE of Vermont. May I ask the gentleman an explanation of this? Is it not probable that by the very character of the submarine and its method of warfare the fact that it is lying in wait anywhere is equivalent to beginning an attack?

Mr. TEMPLE. Perhaps, but that does not affect the answer I made to the gentleman from Ohio [Mr. Fess]. Whether the merchant ship remains noncombatant or becomes a combatant depends on the fact of whether it fights or not. The moral justification for beginning a fight is another question.

Mr. GARDNER. I would like to ask the gentleman a question.

Mr. TEMPLE. Very well.

Mr. GARDNER. And I am asking this to clear my own mind. You say that a submarine may not fire on a merchantman that is stopped; that is, not disobeying its signal to stop?

Mr. TEMPLE. No; I think I did not make any statement about that.

Mr. GARDNER. That was not resisting, I think you said.

Mr. TEMPLE. I say that a warship, whether a submarine or surface ship, has a right to seize and capture, but no right to fire upon a noncombatant, unless the vessel resists, and there is no difference between the submarine and a surface boat in that respect.

Mr. GARDNER. That is what I understood. Now, suppose there is a submarine on the high seas. This may be a little bit contrary to my own sympathies in the matter, but I want to find out the rights of it. Here is a submarine that comes up on the high seas, and here is a merchantman in plain view, and you say that the merchantman has a right to fire on the submarine, but that when it does so it becomes a combatant. Now, why has not the submarine the same right if the merchantman has that right? I want to get that clear in my own mind for the record.

Mr. TEMPLE. By agreement and under traditions and long practice it has been held that the choice lies with the merchant ship of enemy nationality as to whether it shall become a combatant or whether it shall remain noncombatant. If that is a disadvantage that the submarine labors under, it is the same disadvantage that a light-armored cruiser or converted ship without armor would labor under.

Mr. GARDNER. Then the merchantman has a right at any time to turn itself into a combatant and fire?

Mr. TEMPLE. The merchant ship of a belligerent has the option to resist capture, even to resist visit and search, though that right is denied by the German correspondence at the present time. It is like the question that arises with regard to the use of quickly gathered fighting forces on land which Germany has been opposed to.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. HUDDLESTON. I wish to ask the gentleman this question: Is it the right of a merchant ship to use its armament limited to defense, and that if it is guilty of an attack not in defense, is it an act of piracy?

Mr. TEMPLE. I prefer the statement that I made a moment ago, that a merchant ship of enemy nationality has the right to resist, even to resist visit and search.

Mr. HUDDLESTON. And has no right to attack.

Mr. REAVIS. Taking the case where Germany has by its note to the powers of the world notified them that within a certain zone merchant vessels will be sunk on sight, has a merchant vessel the right, under those circumstances, to presume that an attack is going to be made upon it and fire in self-defense, without becoming a combatant?

Mr. TEMPLE. My answer to that is that the practice of declaring that a certain zone is barred to all traffic is a practice unknown to international law. The thing resolves itself into its primitive elements there.

Mr. REAVIS. In a controversy between individuals, upon a threat made by one upon the life of another and a revolver is drawn, you do not have to wait to find out whether that revolver is loaded or not, but you can act upon that threat when the revolver is drawn.

Mr. TEMPLE. That is an interesting analogy.

Mr. REAVIS. Under those circumstances could not the merchant ship fire on the submarine without waiting to be attacked?

Mr. TEMPLE. That is a question for the captain of the merchant ship to decide.

Before I sit down I wish to say that, of course, I do not attempt to speak as an authority on this subject. The opinions which I have expressed are founded, I believe, on judgments of prize courts and the practices of nations which until recently have not been disputed. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, we have listened to a splendid statement from a very learned gentleman on a very important subject. I do not feel like taking issue with him on any statement he makes with reference to the law without some hesitation. I think, however, he is in error on one important point.

I understood the gentleman to say that if a merchantman, whether belligerent or neutral, is stopped by a ship of war and does not resist, the belligerent ship of war stopping it has no right to sink her. I think she has, by the rulings of our own State Department and by the insistence we ourselves have made in times of stress; but only under certain conditions, and the conditions are these: If the ship of war stopping the merchant ship is in such a condition—and she herself is largely the judge

of that—that she can not for military reasons take the captured ship to a court or to a port, there to have it condemned as a prize, she can sink her; but only after she has given all the persons on the merchant ship the opportunity to get off and be saved.

Mr. SUMNERS and Mr. SIMS rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. MILLER of Minnesota. I yield to the gentleman from Texas.

Mr. SUMNERS. I rise merely to suggest to the gentleman, in order that he may understand the matter before the House, that the gentleman who has taken his seat [Mr. TEMPLE] stated his position exactly as the gentleman himself is now stating it.

Mr. MILLER of Minnesota. I beg to differ from the gentleman. I hoped he was going to qualify it as I have done, but he did not.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Tennessee?

Mr. MILLER of Minnesota. Yes.

Mr. SIMS. Suppose the attacking vessel can not provide means of safety for noncombatant life. Has it any right whatever to sink that vessel?

Mr. MILLER of Minnesota. Absolutely none. There can be no destruction of property that will result in the destruction of human life under circumstances of that character.

Mr. STAFFORD. Supposing the merchant ship, after she has been given warning by the submarine or by a belligerent vessel, attempts to escape. Does the gentleman contend that the war vessel attempting to check its passage has not the right to continue to fire into it and sink it?

Mr. MILLER of Minnesota. Certainly; if the vessel stopped by a belligerent undertakes to escape, she can be sunk, because that is universally accepted international law.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. FARR. What is the essential difference between your view and that expressed by the gentleman from Pennsylvania [Mr. TEMPLE]?

Mr. MILLER of Minnesota. The gentleman from Pennsylvania [Mr. TEMPLE] stated that there existed no right to sink a merchant ship after she had been stopped and human life removed. I maintain this right does exist under certain circumstances. If the warship stopping the merchantman believes it inexpedient for physical or military reasons to take the merchantman to a home port, the human beings on board can be removed, and then the ship can be sunk, provided, of course, that she is either a belligerent ship or a neutral ship loaded with contraband. We are speaking of submarines now, and the submarine is by its very nature, perhaps, incapable of taking a captured prize into a prize court, or even to any port; for military reasons and for physical reasons they are incapable of doing it. However, I must confess that I think a German submarine has the undoubted right to sink every captured merchant boat if she first will give a chance for all human life to be saved and the boat itself belongs to a belligerent nation, or, if a neutral boat, she is loaded with contraband. She has no right to sink a neutral merchant ship not loaded with contraband unless that boat is trying to run a blockade which Germany has physically effected.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. DECKER. I would like to know if the gentleman can inform us when the principle of law was established that would permit a warship to sink a merchant ship in case it could not take it to port; of course, as the gentleman said, first providing for the safety of the passengers and crew. When was that principle established?

Mr. MILLER of Minnesota. We have maintained that in this country for more than 75 years. We did it repeatedly during the blockade even of our Civil War.

Mr. DECKER. I am interested in knowing whether the principle was established while the war was going on or in time of peace.

Mr. MILLER of Minnesota. The fact is that all these rules that are involved were in controversy during the war and then settled in time of peace.

Mr. DECKER. The belligerent nations involved insisted on it or disputed it during the time of war, but it was agreed to afterwards in time of peace?

Mr. MILLER of Minnesota. Yes; but the gentleman knows that no two nations agree precisely on all questions of international law.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. MANN. How would it be possible in time of peace to determine?

Mr. MILLER of Minnesota. We have done that by various tribunals and conferences, as, for example, the Geneva Conference and The Hague Tribunal. It would be interesting to know that all the nations of the world, except the United States, agreed at The Hague Conference that no longer there should be piracy on the high seas. We did not agree to it. We still maintain that perhaps there can be piracy, but everybody knows that the United States will never sanction piracy.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield there?

Mr. MILLER of Minnesota. Yes.

Mr. SHERWOOD. Does the gentleman know and make the statement that that policy of the nations has been prevailing 75 years, and that during our war the United States Government established a blockade of all our southern ports and the vessels running that blockade were sunk without notice?

Mr. MILLER of Minnesota. Yes. Of course, that was a physical blockade. The facts were slightly different in that case from those in the present case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. PADGETT. I think, Mr. Chairman, that we have been very liberal in permitting discussion. We are now up to the item for "Increase of the Navy," except for the reading of the two lines for the total. Then there were some matters passed over. I was going to ask if we could not suspend this debate until we reached the item for "Increase in the Navy," and then agree upon a time of debate for the paragraph on page 58 providing for the "Increase of the Navy."

Mr. MANN. I would like to have five minutes now.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like an opportunity now to reply to some of the things stated by the gentleman from Pennsylvania [Mr. TEMPLE], which I think are not well founded.

The CHAIRMAN. This debate, of course, is all proceeding by unanimous consent. The gentleman from Minnesota [Mr. MILLER] has preferred a request that he may be allowed to proceed for five minutes.

Mr. MILLER of Minnesota. Three minutes.

The CHAIRMAN. Three minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, what I desired to state when I took the floor, in addition to what I said of international law governing the rights to sink a boat is this: The gentleman from Pennsylvania [Mr. MOORE] made the statement, with a great deal of energy and apparently coming from settled conviction, that he hoped this country some time, if ever she was in the throes of war, would use the submarines to the limit; that we would make every possible use of the submarine that her deadly destroying character might make possible. Mr. Chairman, I have heard that same thing said on this floor, although not quite so vigorously, once or twice before. I take exception to it. I would indorse that no quicker than I would the man who says I am willing to fight, and if I get a chance I will strike below the belt.

Mr. MOORE of Pennsylvania. Oh, Mr. Chairman, I was not striking below the belt; I was only using instruments of war for an effective purpose. If we must fight, I want victory.

Mr. MILLER of Minnesota. If I understand the English language that the gentleman used, it is this: That he would sink boats, with or without warning, carrying human freight as well as dead freight, no matter what might be the consequences to human life, provided that some advantage might accrue to the United States.

Mr. MOORE of Pennsylvania. The gentleman is doing me an injustice. Munition ships carry destruction—

Mr. MILLER of Minnesota. I am glad that the gentleman is making a confession—

Mr. MOORE of Pennsylvania. I am not making any confession. The gentleman is putting words into my mouth that I did not use.

Mr. MILLER of Minnesota. I will submit to anyone who will read what the gentleman said—

Mr. MOORE of Pennsylvania. Would the gentleman fight to win?

Mr. MILLER of Minnesota. I am glad the gentleman has made his subsequent statement—

Mr. MOORE of Pennsylvania. If the gentleman would fight to lose, he is not the kind of an American I take him to be.

Mr. MILLER of Minnesota. Of course, we all desire that our country shall, in time of war at least, use every instrumentality that will aid the national defense or offense that is just and proper and wise and humane. But if civilization means anything, it means that even war must have its limits. It means that you must not shoot down innocent women and children, as the gentleman from Pennsylvania [Mr. TEMPLE] so wisely said, either on the high seas or on the land; that you must not shoot down noncombatants who are not engaged in any military operation; that military operations should be confined to the military forces of the combatants. Unless we accede to that we turn the pages of history back again to the day when every man was an enemy to every other man on earth; when the strong arm of might could prevail; when he took that which he could by his own strength and lost it only to a man stronger than he. We might just as well indorse the movement to tear down our churches, to tear down our school-houses, to tear down our hospitals and every institution that Christian civilization has erected in our land, as to say that if we wage war we shall wage it ruthlessly. It is not the complaint against Germany that she uses submarines; she ought to use them. Every nation ought to make use of the instrumentality that will aid her, but let her make use of it in accordance with humanity, in accordance with the rules of Christian civilization, and I submit that there is no exigency that can come to her, nor can it come to any nation that will justify the conducting of war contrary to civilization and justice. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Pennsylvania [Mr. TEMPLE] said that this is not a question of whether you can use the submarine at all. I beg to disagree with him and to assert that it is a question of whether you can use the submarine at all. Exactly that. And I propose to prove this by examining the facts and by quoting from an official letter of the Government of the United States setting forth the views of the President and of the Secretary of State. I know that for giving expression to any other view than that already expressed here one is apt to be criticized, perhaps denounced. Criticism and denunciation are rampant over the country against anyone who attempts fairly to consider both sides of this question.

But let us see what the Government of the United States said was right and just on this question of regulating the use of the submarine. Its views were set forth in a letter sent by Secretary Lansing to the belligerents in January, 1916, a copy of which I have here. These views were the views also of "my Government," and "my Government" was the President.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel.

This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it—

That is, the armament of the merchant vessel—could not be used effectively in offense against enemy naval vessels, while it could defend the merchantman against the generally inferior armament of piratical ships and privateers.

I stop here to ask, whether, if we were at war with Russia or Japan, or with both combined, we should consider ourselves bound to use our submarines in accordance with rules made before the submarine was invented, rules made to meet entirely different conditions? Let us see what our Government thought a year ago:

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Note that language—"effectively for offense."

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I want again to get before the House the views of our Government. Here is a decisive statement:

Consequently, the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them.

Here, only a year ago, was our Government officially declaring that the only purpose of arming merchantmen now is to prevent visit and search by submarines. And yet such impossible visit and search is the exact thing which is being insisted upon.

Mr. TEMPLE. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. I can not now. Please let me finish this.

Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

Now, international law does not fix the number of guns that a merchantman may mount nor what their caliber shall be. Do you call a ship carrying 4-inch or 6-inch guns a merchantman? We must be careful about the terms we use in discussing this great question and be sure as to their exact meaning. For three or four merchantmen to-day in a group crossing the ocean, each of them armed with two or three modern 6-inch guns, shooting high-power shells with deadly accuracy 4 or 5 miles, could sink any 20 of such battleships as were in existence when the old rule of international law, which is now invoked, was formulated. Now, if a vessel is so powerful in offense that it could have sunk any battleship that Farragut commanded in the Civil War, is it in any proper sense of the word a merchantman as that word was always understood at the time when the rule of visit and search was established?

After saying that "the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to make it impossible for a submarine to warn and visit and search them," and that therefore "any armament on a merchant vessel would seem to have the character of an offensive armament," the President and Secretary Lansing continued:

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

Mr. FLOOD. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. FLOOD. The gentleman has undertaken to state the position of this Government with reference to submarine warfare. Is the gentleman quoting from the note of Secretary Lansing of January 18, 1916?

Mr. COOPER of Wisconsin. I am quoting from a note which the Secretary signed, in which before he finished he in effect said that it was written to express the views of "my Government," and that means the President.

Mr. FLOOD. Is that dated January 18, 1916?

Mr. COOPER of Wisconsin. January 18, 1916, a year ago last month.

Mr. FLOOD. Is not the gentleman aware of the fact that was a confidential note, sent to the British Government and its allies for the purpose of inducing them to waive what this Government recognized as an international right to arm their merchant vessels, and not a statement of the position of this Government upon that international question?

Mr. COOPER of Wisconsin. Mr. Chairman, the right or wrong of a statement does not depend upon the secrecy with which the statement is made. If it be right in secret, it is right in public. [Applause.]

Mr. FLOOD. The gentleman has not answered my question.

Mr. COOPER of Wisconsin. One of the belligerents agreed that our Government was right in urging that no merchantman in these days should be allowed to mount cannon, because these make it absolutely impossible to use the submarine at all for the purpose of visit and search.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TEMPLE. I should like to ask the gentleman one question. If these submarines were not used, and not permitted to be used against merchantmen, would there not still remain a very great use for them against warships of the enemy?

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman says that it prevented the use of submarines. It does.

Mr. TEMPLE. I beg the gentleman's pardon. I said it did not.

Mr. COOPER of Wisconsin. I knew, of course, that was the gentleman's view. But, nevertheless, in my judgment it does. Because it is perfectly plain that a submarine dare not

rise and approach a merchant ship armed with these guns, since to do so would, as the President and Secretary of State said, expose the submarine to almost certain destruction. This exact point was raised very clearly indeed by our Government in that communication.

Mr. TEMPLE. Have they not been used successfully against battleships?

Mr. COOPER of Wisconsin. Not recently at all.

Mr. TEMPLE. Over at the Dardanelles.

Mr. COOPER of Wisconsin. Not within the year. The belligerents have learned how to protect battleships.

Mr. FLOOD. Will the gentleman yield?

Mr. COOPER of Wisconsin. I must decline to yield now, as I wish to finish this statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. I desire to finish this.

Mr. HAMILTON of Michigan. All right. I would like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Our Government maintained that the arming of merchantmen to-day can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. And the President and Secretary of State in the same official letter to the belligerents declared also that to all intents and purposes armed merchantmen are battleships and ought to be treated as auxiliary cruisers. And at this point I wish again to remind the House that later, when Germany had acceded to this suggestion of our Government, the New York World, the great administration newspaper, in its issue of February 10, 1916, contained the following from its Washington correspondent:

High officials of the State Department seemed disposed to consider the development broad enough to warrant the claim that the fundamental questions involved in the conduct of submarine warfare have been settled in accordance with the contention of the United States.

This is based on the belief that, with Germany and Austria giving notice that they will sink without warning all armed ships, the two Governments can not legally claim the right to sink unarmed vessels. That is the principle for which the United States has so vigorously contended since the beginning of the negotiations over the conduct of submarine warfare.

According to these "high officials of the State Department," the principle for which the United States had so vigorously contended since the beginning of the negotiations over the conduct of submarine warfare was the principle that belligerents can not lawfully sink unarmed vessels. To this principle the central powers agreed, declaring that they would not sink unarmed vessels, but reserving the right to sink all armed belligerent vessels, and requesting, in accordance with the suggestions of our Government, that all merchant vessels be prohibited from mounting cannon or other armament.

The article in the World continued as follows:

In view of this situation American citizens, it is stated by high authority, now may be warned that they will take passage aboard armed merchant ships at their own risk and be entitled to no more protection from the United States than if they had embarked upon a belligerent warship.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask merely time enough—three minutes—in which to read an excerpt from an editorial in the Chicago Tribune upon the same subject.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, here is what the Tribune said:

Upon the armament question it seems only common sense to recognize that the character of the submarine enforces new definitions of right. The fragility of the new craft virtually abolishes any real distinction between offensive and defensive armament. No naval vessel before the submarine could be seriously injured by small guns on a merchantman, and the presence of such guns could therefore be accepted as evidence of the nonoffensive or nonbelligerent character of the merchantman.

But a 1-inch gun can destroy a submarine, and is potentially an offensive weapon. To require a submarine to challenge an armed craft violates the necessities of legitimate warfare.

On the other hand, the right of defense is inherent in the merchantman, and the presence of guns sufficient to protect it from a submarine should not be held to constitute it a naval vessel in a sense which would debar it from our ports. A merchantman is not a naval vessel because it is prepared to exercise its right of defense against submarines.

If this pragmatic view is taken of the legalistic issues raised by submarine operations, we need not become involved with either belligerent and we shall be conserving our own commercial interests.

The question of responsibility for American lives remains. If we are ready to enter the war to enforce the immunity of Americans traveling on ships of the belligerents armed in fact, the way will probably be opened to do so. The alternative is to recognize the modifications above suggested as justified by the conditions of the present war and to refuse formally to accept responsibility for the safety of Americans who elect to travel on merchantmen armed in fact. This would avoid the objection that neutral passengers are protection for belligerent shipping and

supply, otherwise legitimately subject to attack in commerce-destroying operations.

Mr. Chairman, I shall now ask the question that I asked a year ago: If we are in a war against Japan, and God forbid that we ever again get into a war—but as I said, it is the duty of statesmanship to be provident of the future—if we are in a war against Japan or against Japan and Russia, they now having entered into a secret agreement, and you and I are out in a submarine upon the Pacific Ocean while our relatives and friends are on shore fighting, dying to save the great Republic, and along comes a Japanese armed merchantman flying the flag of Japan and loaded with ammunition to kill Americans defending government of the people, by the people, for the people, and you and I are requested to stand back with our submarine because on board of this merchantman, armed with 6-inch cannon, are three Chinamen, citizens of a neutral country—would you do it? [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

EXTENSION OF REMARKS.

Mr. COOPER of Wisconsin. Under the leave to print I add the following from a recent editorial in the Milwaukee Sentinel, one of the leading stalwart Republican newspapers of the country:

The main source of danger will be the presence of Americans on torpedoed vessels of belligerent nationality. If Americans ship or take passage on such vessels of belligerents as are offensively armed or are carriers of munitions, it might appear that they do so at their own risk. The United States Government can no more be expected to make a cause of war of an American serving in the crew of such a vessel than of an American serving in the French aviation corps.

I add, also, a further quotation from the letter of the President and the Secretary of State.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser, and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

The principles set forth in this letter are wholly reasonable and just, and had their enforcement been firmly insisted upon, would, in my judgment, have saved countless innocent lives and prevented this Nation from being drawn into its present portentous situation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Howard having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved, That the Clerk be, and he is hereby, directed to request the Senate to return to the House of Representatives the bill H. R. 19298, entitled "An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegheny, county of Cattaraugus, N. Y."

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7795. An act to amend and revise the laws relating to printing and binding and the distribution of publications for Congress.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I have been considerably interested, as the other Members have, in this discussion, and I listened, as I always do, with a great deal of interest and profit, especially to the discussion of the gentleman from Pennsylvania, Dr. TEMPLE, who comes before the House with the point of

view of a learned man who has given long study to subjects of international law. The United States does not have a very large merchant marine engaged in foreign trade. There is a possibility that our country may go to war with any nation in the world, and, so far as our rights are concerned, it seems to me the duty of statesmanship to so provide, as far as we can, that we may most effectively protect our rights in the waging of war against any other power. As I understood Dr. TEMPLE, his position is that international law would require, if we are engaged in war with a foreign power, and we have a submarine which meets a merchant vessel either of a neutral country or of the other belligerent country loaded with ammunition to supply the army or the navy of the enemy country, our submarine must, ladylike, rise from beneath the surface of the sea, ask to board the merchant vessel, armed, ask to inspect the papers of the merchant vessel, if we could get that far, before we can do any damage to that merchant vessel. I am not very well informed as to submarine warfare, though doubtless as well as the average Member of the House; but I have been told that while this ladylike operation was going on the merchant vessel would sink the submarine before officers from the submarine could board her.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. MANN. I prefer to go ahead. Of what use is a submarine except for defense against war vessels, and, so far as the submarine is concerned in defending against war vessels to-day, the submarine is not very valuable. War vessels are, I am told, in the main provided with nets, or whatever they may use—I do not undertake to say—so that the submarine can not be very effective against the war vessel, and, as a matter of fact, they are not to-day effective to any extent against the war vessel. It is to our interest, if we are going to have submarines for our own use in time of war, to give them the power to do execution. I am not in favor any more than anyone else of barbarous warfare, except that all warfare to me is barbarous. I do not think men can engage in a ladylike fight; I do not think that nations can engage in a gentleman's warfare.

I believe that the quickest way to end war usually is to make it destructive while it lasts. I am not willing, so far as I am concerned, to admit that the use of submarines by the United States shall be so restricted in advance that they are valueless, because I think with our small merchant marine and our very long coast line that we ought to be able in defensive operations to do as much with the submarine and the aeroplane as we can do in any other way, so I believe in having them. [Applause.]

Mr. CALLAWAY. Mr. Chairman—

Mr. PADGETT. Mr. Chairman, may I ask the gentleman from Texas before he begins how much time he wishes?

Mr. CALLAWAY. I would like to have 10 minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 10 minutes.

Mr. SIMS. I want five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent—

Mr. PADGETT. Mr. Chairman, I withdraw the request for the present.

The CHAIRMAN. The gentleman from Tennessee withdraws his request for the present. The gentleman from Texas is recognized for five minutes.

Mr. CALLAWAY. Mr. Chairman, there have been a number of statements made here to the effect that submarines had proven ineffective against battleships and real warcraft. I know these men believe that. I know there has been determined effort on the part of naval officials to discredit submarines, the power of submarines, because with the recognition of the power of submarines passes the magnificence of the navy from the seas; with the recognition of the power of submarines passes the enormous expenditures for these great battleships, the money for the building of which goes into the navy yards, to the present manufacturers of ships. The grandeur and glory of the Navy, the drum beat and the fanfare that accompanies it, the music, the wireless telegraphy that enables them to get news from home, the printing press aboard, the ice plant, and every modern convenience, and the various things which give them every comfort, and these little hog wallows, that necessitate the most trying service that any mortal has yet ever seen, take their place. I want to read you a statement from men who ought to know. Now listen to the statement of Simon Lake, one of the builders of submarines, as to what their capacity is.

The submarine is peculiar in the fact that it is able to prevent the carrying on of commerce, if necessary, but it is useless for invading purposes, as the moment any portion is exposed on the surface it becomes vulnerable. As long as the submarine remains below the surface,

she is invisible, and when we get noiseless machinery, which is the next step, you can neither hear them nor see them, and they have the ability to discharge a torpedo or to plant a mine, which will destroy any fabric which can be made to float upon the surface of the water. I think our own experiments in our own Navy Department if they were made public would prove that assertion. You might armor a ship or make her with many different decks and of cellular construction, as many engineers have tried to do, and yet the explosion of a thousand pounds of trinitrotoluol or some other similar explosive would blow the fabric up into the air. It is absolutely impossible, in my judgment, to build any fabric that will float on the surface that can not be destroyed by means available to the submarine.

SIMON LAKE,
Member Institution of Naval Architects of England; Member of Schiffsbau-technische Gesellschaft of Germany; Member Society of Naval Architects and Marine Engineers (United States) and American Society Mechanical Engineers.

BRIDGEPORT, CONN., February 3, 1917.

Mr. SHERWOOD. Is it not true that they can penetrate the nets that protect the battleships?

Mr. CALLAWAY. The general asks if it has not been demonstrated that these submarine torpedoes could penetrate the nets that we have just been assured by men have been devised to protect the battleships. At the Dardanelles the English fleet went down to assist in the landing of troops. A few days after they got there one of their battleships was torpedoed. A few days after that they sighted a submarine. A few days more and two more battleships were torpedoed. In neither instance did they know the exact location from which the shot came nor at neither time did they sight the submarine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I would ask unanimous consent the gentleman be granted five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. SHERWOOD. What became of the *Queen Elizabeth*, which carried 15-inch guns?

Mr. CALLAWAY. If the gentleman will wait a minute, I will answer the whole question. A few days more and another battleship, in clear view of the main fleet, with its protective nets down, steaming slowly up and down to avoid a sitting shot, was sunk with two torpedoes, both of which went through the nets, either one of which would have been fatal, and in seven minutes the thing turned bottom up and sank. The report said the light surface craft which were there to protect the battleships from submarine attack were so thick that when they steamed toward the sinking craft to save the drowning crew the smoke from their stacks obscured the sun, and yet they never discovered from whence came the shots that destroyed the stricken vessel. The *Queen Elizabeth*, the *Agamemnon*, and the *Lord Nelson*, the most magnificent and powerful battleships afloat, were at that time at the Dardanelles to help the landing of the troops. They immediately steamed out of the harbor and sailed for home, and the next day every battleship of the English fleet that was there steamed for home—ran away from the one German submarine that was sighted. They then tried to build a kind of cordwood protection that would extend out quite a way from the side of the battleship, so that if they were struck the torpedo would explode at a distance from the battleship and would not get to the vitals. But battleships have been blown in two in the middle by submarines. Capt. Sims says evidently that was the case in the Jutland Island fight, when each end of a stricken battleship was sticking out and the middle of the thing down. Admiral Beatty said it was destroyed by gunfire, but Capt. Sims said that that report was evidently made for military reasons and was not true.

Now, I want to read you from Admiral Grant.

Mr. CARTER of Oklahoma. Will the gentleman yield for a question?

Mr. CALLAWAY. In just a minute. I want to read from Admiral Grant, who is in charge of our submarine flotilla, as to their effectiveness. He says:

It is fairly well known, and the writer has received corroborative testimony recently, that Germany is building all her submarines of the offensive type, and that she still aspires with sufficient numbers of such vessels to overthrow Great Britain's control of the world's communications. With this accomplished, of what value will be the command of the sea? A great surface fleet can not be maintained indefinitely if this control is lost. It will defeat itself by its very inertia and expensiveness.

The defensive idea is now deeply rooted in our minds and has influenced our building program, our war games, and maneuver problems; in consequence the initiative is freely given to the enemy forces, our own being assigned a defensive rôle.

The submarine should be considered a weapon for the purpose of extending our sea frontiers. If we build submarines capable of keeping the seas in all parts of the Atlantic and Pacific, then the risk to an enemy expedition will become so great that few nations will accept the hazard involved.

Our industrial development and our great resources of material will permit this Nation building offensive submarines in sufficient numbers to prevent any one nation from controlling the seas against us; in fact, the development of an offensive submarine has struck a hard blow at the command of the sea by any one nation. A war ship or a fleet in any part of the ocean will be in constant danger of destruction from an invisible enemy.

That is Admiral Grant's statement against the statement of men here to-day that submarines are ineffective against battleships. They can blow out of the water anything that floats, and it has been time and again demonstrated.

Mr. CARTER of Oklahoma. What I wanted to ask the gentleman was: Did Capt. Sims say that these ships that were blown up in the battle of Jutland were blown up by submarines and not by fire of the battleships?

Mr. CALLAWAY. Yes, sir.

Mr. OLIVER. Will the gentleman yield for a moment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. Will the gentleman state to the committee who Admiral Grant is?

Mr. CALLAWAY. Who Admiral Grant is?

Mr. OLIVER. And whether or not the letter of Admiral Grant which you have read has the indorsement of the members of the General Board?

Mr. CALLAWAY. I will state that Admiral Grant is the admiral in charge of our submarine flotilla and is the only man who has had charge of our submarine flotilla since it was organized; and he wrote this letter to the Navy General Board in answer to an argument made by Capt. Rodgers, and this paper has the indorsement of the Navy Department.

Mr. HOWARD. Will the gentleman yield?

Mr. CALLAWAY. I will.

Mr. HOWARD. As a matter of fact, is not the statement refuted that has been made here this morning by a circumstance that at the beginning of the war in October, 1914, three English battle cruisers were sunk in 20 minutes by one submarine?

Mr. CALLAWAY. In 30 minutes.

Mr. SLAYDEN. In 50 minutes.

Mr. CALLAWAY. The *Hogue*, the *Orecy*, and the *Aboukir* were sunk in 30 to 50 minutes by one submarine, and they did not know where the shots came from that did the work.

Mr. KELLEY. The gentleman may recall that when Capt. Sims was before the committee the question of submarines at the Panama Canal came up, and I asked him this question:

With a reasonable number of submarines at the canal an enemy fleet could not get very close, could it?

Capt. Sims. I think I took that question up with the committee when I was here before. You must understand that a submarine cuts no ice at all as long as your enemy has control of the surface in the area in which he wishes to operate.

Mr. CALLAWAY. He made that statement, and I thought possibly he was making it for the same reason that he said Admiral Beatty made the statement about the boats destroyed off Jutland, for military reasons, for he said the admirals regarded it as their right to make erroneous and misleading statements where it served a military purpose.

Mr. KELLEY. Just one other question. The gentleman, I know, regards Admiral Sims as among the very best authorities in the Navy.

Mr. CALLAWAY. Yes, sir; I regard him as the brightest, frankest, and most capable man I have come in contact with in the Navy, but I thought possibly he made the statement referred to by Mr. KELLEY for military reasons.

Mr. SMITH of Michigan. Did I understand the gentleman to say that one of the ships blown up at the Dardanelles was protected by steel screens, or otherwise?

Mr. CALLAWAY. The nets were down. They were protected by the surface craft, and the report said that the smoke was so thick from their smokestacks that when they steamed to the stricken vessel the sun was obscured.

Mr. SMITH of Michigan. Did they get through the net?

Mr. CALLAWAY. Yes, sir.

Mr. HENSLEY. There are ways in which battleships or dreadnaughts may be protected from submarines, are there not?

Mr. CALLAWAY. Yes, sir.

Mr. HENSLEY. But when they are so protected, what is the use of fleets of dreadnaughts or battleships?

Mr. CALLAWAY. The same as the battleships of England and Germany during this war, in port bottled up.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman if he can explain how the enemy ships could control the surface at Panama if we had submarines to take care of it?

Mr. CALLAWAY. You would have to have an admiral that wants to preserve the grandeur, glory, magnificence, and expense of the Navy to explain that. [Laughter.]

Mr. PARKER of New Jersey. Mr. Chairman, in dealing with questions of international law we must regard them in the light of history. International law in time of war may be fairly defined as such rules of humanity as neutrals are able to enforce, and neutrals have to enforce these rules or the rules will not exist. International law is best seen in the behavior of neutral nations in history, and no more in that of any nation than in the behavior of the United States in 1798. At that time, Mr. Chairman, as now, all Europe was at war, and America was out of that war. At that time, as now, our shipping was suffering outrage upon the high seas, and principally from our old friend and ally, France, whose armed vessels were capturing our merchantmen by hundreds. In that and the next year we passed some 27 different statutes, a list of which I shall ask leave to add as an extension of my remarks, simply to show how much can be done by a nation in time of peace. We did not sever diplomatic relations. For two years and a half we had a vigorous naval war with France, and still part of the time we had our minister in Paris, and they had, or could have had, their minister with us, and we finally sent special envoys and negotiated a cessation of the strife on the ocean and a treaty of amity. It is interesting to see what the United States thought it had the right to do to prevent depredations. After providing for enlistments and munitions and for the building of ships, we passed a law by which our merchantmen should have the right to defend themselves against French armed vessels, to capture any ship that attacked them, to retake Americans captured, and to arm themselves for that purpose, and in order to see that our vessels should not do anything else they gave bonds before they left port that they would use their armament only against threatened hostility or real hostility of other armed vessels, or in the recapture of Americans that had been wrongly taken, and that they would not do any unprovoked violence.

That statute is quite long, and I shall put it in the RECORD as an appendix to my remarks to show what the fathers of our country thought could be fairly and well done by a merchant vessel carrying armament, this being in time of peace, so far as we were concerned.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield in that particular?

Mr. PARKER of New Jersey. In that particular?

Mr. STAFFORD. Yes.

Mr. PARKER of New Jersey. Very well.

Mr. STAFFORD. Was not that a time when piracy was in vogue on the high seas and before the declaration of Paris, which negated the right of piracy and inferentially the right of merchant ships to carry armament on their ships?

Mr. PARKER of New Jersey. This was not to defend themselves against pirates. It was expressly in order that merchant ships might defend themselves against French armed vessels, and it is so stated in the statute. I will not take the time to read it, but will insert it in my remarks.

Now, under the conditions then prevailing a merchant vessel might go out armed. She may be a ship carrying heavy guns. Some merchantmen did carry heavy guns. She might be attacked by a cruiser of superior force, and in that case she would yield. She might be attacked by a little schooner or a galley or by small boats in a calm, and then she would use her guns. There is perhaps no difference between those small boats and the torpedo boat or the submarine (for the submarine is only a torpedo boat), with one exception, and that is that the submarine approaches in secret under the water. Well, how does that differ in principle from the old surprise attack by a boarding party in small boats or the well-known practice by which a little schooner would shut up her ports, pretend to be a neutral vessel, fly a neutral flag, and then come up within shot and range, let down her ports, and get ready to begin a fight? The merchantman asserted the right then to defend itself against the adversary, whether it approached by stealth or otherwise, and in each of those cases the old rule of international law prevailed, that no attack should be made upon that merchant vessel without warning, because she was a merchant vessel; even though that attack was by a smaller ship or boat that might be sunk if it gave warning.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PARKER of New Jersey. "The then is the same as the now." The problems of international law, as stated so well by the gentleman from Pennsylvania [Mr. TEMPLE], deal with conditions that go through all ages. Now, in 1798 the next thing that we did—

Mr. DECKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Missouri?

Mr. PARKER of New Jersey. I regret that I can not. I must go on with this statement. I am not stating principles but facts.

Mr. DECKER. I have great faith in the gentleman's knowledge, from my acquaintance with him. This is what I would like him to dwell on—if not, then I will not interrupt him—and that is whether these principles of international law were established in time of peace or during war?

Mr. PARKER of New Jersey. I am talking about a time when the United States was nominally at peace. Another statute is likewise mentioned in my list, and that was an act passed in July, while the other was passed in April. The act passed in July authorized the seizure of any vessels hovering on our coasts. No; that was in June. By statute in July, chapter 68, "An act further to protect the commerce of the United States," the President may order our ships to seize any armed French vessel found in the jurisdiction of the United States or elsewhere on the high seas, and may authorize privateering against the French by special commissions to private armed vessels. I will print a fuller abstract with my remarks. Under that authority our little Navy went out to protect our commerce, and in two years and a half they captured four regular French naval vessels. One was a frigate, after a severe battle, and three were corvettes, so called. We captured, besides these, 80 French armed vessels, most of them privateers.

Our Navy did no small thing, and we did it in defending our shipping in time of peace and without declaring any general war.

Now, that is history. The fathers of our country were not ignorant of the rights of international law. They believed in acting. They did not talk when they found our ships being destroyed. They sent forth our armed vessels to convoy our ships and to put down the destroyers. They did it without engaging in the land warfare that was ravaging Europe. They sent ministers to France. They said to France, "We believe you are our friends, but we can not suffer this, and we will defend our ships against it." I am not saying whether their course was right or wrong. I am not giving opinions, gentlemen. I am stating facts.

I only add one other fact that I have from good authority, which I will not name because I am not at liberty to do so. There is a ferry running between Sweden and Germany across the Baltic Sea. It carries whole railroad trains on powerful boats. About half of those boats are German and half are Swedish, but it is a ferry from a neutral to one of the belligerents. The allied torpedo boats and submarines have threatened that ferry to an extent warranting the King of Sweden in placing his navy in constant convoy of that ferry, to protect its vessels, whether Swedish or German, against attacks that would not be authorized by international law, and to protect the citizens of Sweden. This is a fact. It is not in the newspapers so far as I know. Alas, that it should be true, that somehow or other we can not learn all the facts from the dispatches to this side of the water. It took a journey in 1915 to England and France to make me realize that millions of men were being trained in England without rifles on their shoulders. It could have been learned by reading between the lines, but we do not realize such a fact until we see it, and I have felt as if it was a duty, when they talk of our not going on armed ships—I have thought it might be a duty for some of us to go where we could see what this war really is—what we have to fear and what we have to do to keep out of it.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. PARKER of New Jersey. Mr. Chairman, I attach to my remarks the extracts to which I referred:

A BRIEF STATEMENT OF WHAT THE UNITED STATES DID IN 1798, ETC., IN VIEW OF FRENCH PIRACIES WITHOUT DECLARING WAR.

(See vol. 1, Little, Brown & Co., Stats., 2d sess., 1708.)

Page 594, chapter 27, April 7: Export of arms and ammunition.

Page 552, chapter 31, April 27: Authorized armed vessels to be built, purchased, or hired.

Page 555, chapter 38, May 4: Appropriations for cannon, small arms, ammunition, and military stores, and to establish foundries, manufactories, and armories at the President's discretion.

Page 556, chapter 39, May 4: Appropriation to equip small galleys.

Page 558, chapter 47, May 28: To enlist 10,000 men in a provisional army in case of danger.

Page 561, chapter 48, May 28: Recites depredation of French armed vessels and directs seizure of any such vessels hovering on the coasts.

Page 565, chapter 53, June 13: Suspends intercourse with France, except by the President's special permission.

Page 569, chapter 55, June 22: The President may arm revenue cutters.

Page 570, chapter 58, June 25: May order dangerous aliens to depart; ships must report aliens.

Page 572, chapter 60, June 25: Our merchant vessels may defend against search or capture.

Page 574, chapter 62, June 28: Condemnation of captured vessels.

Page 575, chapter 64, June 30: The President may buy armed vessels on credit.

Page 578, chapter 65, July 6: To provide arms for militia, \$400,000.

Page 577, chapter 66, July 6: In case of war or predatory incursion alien enemies may be arrested.

Page 578, chapter 67: Vacates all treaties with France.

Page 578, chapter 68, July 9: The President may order our ships to seize any armed French vessel found in the jurisdiction of the United States or elsewhere on the high seas, and may authorize privateering by special commissions to private armed vessels.

Page 604, chapter 76, July 16: To increase the Army.

Page 608, chapter 82, July 16: To increase the Navy.

Fifth Congress, third session:

Page 613, chapter 2, February 9, 1799: Prohibiting commerce with France, clearance to France, or entry by French vessels, and allowing United States ships to be stopped if going there.

Page 621, chapter 13, February 25: Augmenting the Navy.

Page 622, chapter 15, February 25: Building docks for repairs.

Page 624, chapter 16, February 28: Exchanging French citizens.

Page 725, chapter 31, March 2: Increase of Army discretionary.

Page 743, chapter 45, March 3: Retaliation on French citizens for death of Americans or their injury.

Volume 2, Sixth Congress:

Page 7, chapter 10, February 27, 1800: Further suspension of intercourse with France; seizure of vessels, etc.

Page 16, chapter 14, March 3, 1800: Salvage on recapture.

Chapter LX. An act to authorize the defense of the merchant vessels of the United States against French depredations.

SECTION 1. *Be it enacted, etc.*, That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof may oppose and defend against any search, restraint, or seizure which shall be attempted upon such vessel, or upon any other vessel, owned, as aforesaid, by the commander or crew of any armed vessel sailing under French colors, or acting, or pretending to act, by, or under the authority of the French Republic; and may repel by force any assault or hostility which shall be made or committed on the part of such French, or pretended French, vessel pursuing such attempt, and may subdue and capture the same; and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colors, or acting, or pretending to act, by, or under authority from the French Republic.

SEC. 2. *And be it further enacted*, That whenever the commander and crew of any merchant vessel of the United States shall subdue and capture any French, or pretended French, armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel, with her tackle, appurtenances, ammunition, and lading, shall accrue, the one half to the owner or owners of such merchant vessel of the United States and the other half to the captors; and being brought into any port of the United States shall and may be adjudged and condemned to their use, after due process and trial in any court of the United States having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof, accordingly, and at their discretion, saving any agreement which shall be between the owner or owners and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the United States by any armed merchant vessel aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction in the premises, be restored to the former owner or owners, he or they paying for salvage not less than one-eighth nor more than one-half of the true value of the said vessels and cargoes, at the discretion of the court, which payments shall be made without any deduction whatsoever.

SEC. 3. *And be it further enacted*, That after notice of this act at the several customhouses no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners and the master or commander of such vessel for the intended voyage shall give bond, to the use of the United States in a sum equal to double the value of such vessel, with condition that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas against the vessel of any nation in amity with the United States; and that the guns, arms, and ammunition of such vessel shall be returned within the United States or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners and the commander and crew of such merchant vessel shall in all things observe and perform such further instructions in the premises as the President of the United States shall establish and order for the better government of the armed merchant vessels of the United States.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the United States, for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any outrage, cruelty, or injury which they may be disposed to commit, a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesaid. And it shall be the duty of the owner or owners and commander and crew, for the time being, of such armed merchant vessel of the United States, at each return to any port of the United States, to make report to the collector thereof of any encounter which shall have happened with any foreign vessel, and of the state of the company and crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the United States, or of the civil or military officers of any State, shall take suitable care for the restraint, preservation, and comfort of such persons at the expense of the United States until the pleasure of the President of the United States shall be known concerning them.

SEC. 5. *And be it further enacted*, That this act shall continue and be in force for the term of one year, and until the end of the next session of Congress thereafter.

SEC. 6. *Provided, and be it further enacted*, That whenever the Government of France, and all persons acting by or under their authority, shall disavow, and shall cause the commanders and crews of all armed French vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that Government against the merchant vessel(s) of the United States, and shall cause the laws of nations to be observed by the said armed French vessels, the President of the United States shall be, and he is hereby, authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue hereof.

Approved, June 25, 1798.

Chap. LXVIII. An act further to protect the commerce of the United States.

SECTION 1. *Be it enacted, etc.*, That the President of the United States shall be, and he is hereby, authorized to instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States, to subdue, seize, and take any armed French vessel, which shall be found within the jurisdiction limits of the United States or elsewhere on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited, and shall accrue and be distributed, as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

SEC. 2. (The President may grant commissions to private armed vessels, which shall have the same authority to capture as public armed vessels. They shall be subject to instructions of the President.)

SEC. 3. (Applicants for commissions to deliver a written description.)

SEC. 4. (They shall give security.)

SEC. 5. (French ships and goods captured by private armed vessels, to be condemned and distributed.)

SEC. 6. (American property recaptured to be restored on the payment of salvage. (Distribution of salvage.)

SEC. 7. (Captured vessels to be brought in and adjudicated.)

SEC. 8. *And be it further enacted*, That all French persons and others who shall be found acting on board any French armed vessel, which shall be captured, or on board of any vessel of the United States, which shall be recaptured, as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal or of some civil or military officer of the United States, or of any State in or near such port, who shall take charge of their safe-keeping and support, at the expense of the United States.

Approved, July 9, 1798.

Mr. SIMS. Mr. Chairman, it seems to me that there is a rather practical question that ought to be asked at this time. We are making appropriations here for submarines. What use do we intend to put them to? What excuse do we expect to give for the construction of these submarines? For what purpose are we bringing them into existence? I caught the idea from the gentleman from Illinois [Mr. MANN] that they were not regarded as a very valuable war instrument to be used exclusively for war purposes, but will be an exceedingly valuable instrument for the destruction of commerce upon the seas, and that practically they could not destroy commerce on the seas unless they were permitted to do it without first being seen, without giving warning, without signals, without anything except the proximity of a merchant vessel, because in rising to the top of the water, so that the merchant vessel could see them, if it had a gun it could shoot and sink the submarine and thus save itself. I want to know if it is in the heart of or is the purpose of any gentleman voting for submarines for the United States Navy to use them for the ruthless murder of women and children in the future when in a conflict with any country—Japan or any other? We can not mention the name of any nation that in the past has ever done anything more ruthless, more barbarous, more heathenish, more savage than the sinking of unarmed merchant vessels full of defenseless women and children without the slightest premonition or warning or opportunity to save themselves.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. The whole difficulty, I think, could be obviated if we took the advice of Secretary Lansing in that letter of a year ago; that is to say, that no merchant vessel should be armed. That would compel the submarine to rise and capture it or be treated as a pirate. Just simply prevent them from arming, and then the submarine could rise.

Mr. SIMS. Let me appeal to the gentleman, because I know he has a magnanimous heart and a broad, humane view. Shall we refuse a man in the exercise of his just rights to carry a pistol to defend himself against a robber, because forsooth the robber might kill him if he is armed, in order to rob him, but if he is not armed will take his money and let him go? Now, the use of a submarine to take contraband from a merchant vessel can go no further than visit and search, and if it finds contraband aboard to dump it into the sea. But when it can not save the lives of noncombatants who may be aboard by transporting them to a place of safety, when it has no vessel besides itself upon which it can place those passengers, then

shall we say that it shall be permitted to sink that vessel in the middle of the ocean, perchance giving women and children an opportunity to get into little, frail boats, far from shore, which means only a prolonged death, more unmerciful, more savage than to sink them to the bottom of the sea? Submarines should not be permitted to be used for such a purpose, further than visit and search and capture of cargo. But they are exceedingly valuable weapons of war, to be used for legitimate naval war purposes. If the United States is building submarines to use against armed battleships and cruisers or to fight back when they are attacked, then go ahead. We had better follow the advice of the most extreme pacifist that ever uttered a word upon the subject rather than convert this Nation into a race of barbarous, warlike savages because some other nation has pursued such a course.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SIMS. Just wait a moment. Suppose that an army has captured a lot of prisoners of war from its enemy, but conditions are such that they can not be held. The German idea, as expressed by one of their great statesmen, is that "necessity knows no law," and inasmuch as the captors can not keep these men as prisoners of war and not do anything with them except to kill them, that they are permitted to do so on account of military necessity. They had the right under the rules of civilized warfare to take the prisoners. Now, to save themselves from further possible loss by turning the prisoners loose they kill them and charge it up to military necessity! The allies, in population, are several times greater than the central powers. They can keep on recruiting armies indefinitely. Suppose they should say that in order to end this terrible world war as soon as possible we will take no more prisoners, that such a course is a military necessity. It is true the central powers could refuse to take prisoners also, but in the long run the central powers would lose all their fighting men in death, while the allies would have great numbers left. Had not the allies better lose, and had not Germany better succeed than to adopt such a brutal and savage policy under the plea of military necessity?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. SIMS. We will disgrace ourselves in all history if we contemplate doing with our submarines that which we have already condemned in other nations and which we always expect to condemn.

I will vote against this bill with everything in it, with all the possibility confronting us of needing what it provides, before I will be a party to passing a law to create an instrument of war when it is contemplated that we will use it to murder defenseless women and children in the dead hours of night, when they are asleep in fancied security and know nothing about it. If we contemplate building machines to drop bombs out of the sky at the dead hours of the night on inoffensive women and children in unarmed and undefended cities, I say I would rather go down in defeat a thousand times than agree to such a course of savagery. I would rather be conquered by some other power than to voluntarily become a savage so black and so hideous as to make all past savagery look white and innocent by comparison. Now, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I sympathize with the gentleman as to women and children, but I want to ask the gentleman whether it is better to have ammunition ships under the guise of merchantmen coming in with munitions of war to supply the means for shooting up thousands and tens of thousands of fathers of children and of husbands of wives left desolate? Is it better to have that or to have one submarine stop them on the way?

Mr. SIMS. That is asking a question and answering it. I said they had a right to stop them and search them for contraband, and pitch the contraband overboard, and if the submarine could take care of the passengers and save all noncombatant life, then they could sink the ship if unable to take it to port for action by a prize court.

Mr. MOORE of Pennsylvania. Assuming the United States should be at war with one of the foreign powers, not naming any, and that one of the allies of the foreign power should be Japan—

Mr. SIMS. Oh, that Japan bugaboo does not scare me.

Mr. MOORE of Pennsylvania. But suppose it should, and there should come across the Pacific Ocean a Japanese merchantman armed for defense only, but loaded with munitions of war for the enemy, landed on the Pacific coast, would the

gentleman think it was the duty of the United States to have its little submarine come out and overhaul the merchantman and be destroyed by it, or would he tell it to fight?

Mr. SIMS. The gentleman's question contemplates that the little submarine would be destroyed. Why should you send out a submarine when a surface craft could do all that it was lawful to do in the capture and destruction of contraband? Why use a submarine?

Mr. MOORE of Pennsylvania. The armed merchantman is loaded with munitions of war to destroy men and women and children, and would have one gun, which would be sufficient to send a submarine to the bottom.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. HAMILTON of Michigan. If a man should send you word—

Mr. SIMS. Now, no hypothetical questions. Do you want to permit a submarine to murder women and children without warning?

Mr. HAMILTON of Michigan. Will the gentleman wait until I ask my question, and then he will know whether it is hypothetical or not.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. I want to ask this question, because I think it bears on the present situation, and the gentleman can state if it does not so appear to him. If a man should send the gentleman word that if he, the gentleman from Tennessee, should continue to go peaceably down a certain street that he had been accustomed to go down he would shoot him on sight, would the gentleman from Tennessee stay at home or oil up his gun? [Laughter.]

Mr. SIMS. That is what I call a heavyweight question.

Mr. HAMILTON of Michigan. I call it a pretty fair question.

Mr. SIMS. Yes; it is so fair that it is very easy to answer. If I had a lawful right to go down that street, and I go down it, and a man murders me, is he any less a murderer?

Mr. HAMILTON of Michigan. But where are you?

Mr. SIMS. I am dead. [Laughter.] But the man who killed me is a murderer.

Mr. HAMILTON of Michigan. Good-by. [Laughter.]

Mr. SIMS. Mr. Chairman, such questions illustrate nothing. We are making history for the future by which others will judge us; and let nothing be uttered in this debate that would lead others to believe that we under similar circumstances would do what we are condemning other nations for doing. If we will do no better than they are doing in the same circumstances, we should hold our peace and refrain from criticism. If these submarines we are authorizing in this bill are to be used chiefly for destruction of contraband goods, the great bulk of which is conditional, and we are going to blow women and children into atoms without notice, without any opportunity to save their lives in order to sink some ship loaded with Minnesota wheat with which the women and children of our enemies are to be fed—if that is one of the uses which we are going to make of these submarines, let us build no more now and forever. [Applause.]

Mr. LONDON. Mr. Chairman, the last speaker, the gentleman from Tennessee [Mr. Sims] is opposed to the building of submarines unless their use is limited to attacks upon war-craft. The trouble with the gentleman from Tennessee and several other speakers who preceded him is that they are the victims of what the President of the United States recently called "legalistic reasoning." Some men do not dare reach any conclusion unless they find some precedence, some authority, some fellow who has reasoned things out for them. These men always look for paragraph 2, section 5, subdivision 4, on page 297 of volume 2, or some other paragraph or section of a textbook. Why not come down to fundamental principles? I claim that there is an international law superior to the law written in the textbooks, superior to the law which grew up when nations of the world were ruled by kings and monarchs not responsible to the people. An ancestor of mine laid down some international and universal law when he handed the Ten Commandments to the world, with the injunction "Thou shalt not kill." [Applause.]

The question is not whether certain weapons of destruction shall be used, and whether their use shall be limited for certain purposes. The question is, Is war justifiable? If it is, then every means is justifiable as an incident to the war. Were this country invaded, I would be in favor of shooting down the stars if the falling stars would crush the enemy. We would use any and all means—the more destructive the better. The broad question is, Are you justified in entering the war? And if you are justified use every means that human ingenuity can devise to inflict every damage you can upon the enemy you have to contend with. That is why no sane mind can in-dorse the idea of war, unless it be a war to repel invasion.

Come down to basic principles and stop quibbling, lawyerlike, about fine points in textbooks on international law. Carlyle calls it chop logic, which is no logic at all.

Mr. FESS. Mr. Chairman, I would like to have the attention of the committee for just a moment upon this controversy. I agree entirely with what Dr. TEMPLE said about international law and his interpretation of the limits of the submarine in general. I think every Member must recognize that our embarrassment here is due to the fact that there is no international law covering the new weapon of warfare, the submarine, and while we have taken our position upon an adherence to international practice, the question is up to us whether we as a neutral power during the progress of war will attempt to change international law affecting the rights either of neutrals or belligerents in such a manner as to cover these new weapons, when we are aware that such change would be an unneutral act. That is a delicate question. I have exercised freedom of criticism upon the floor of this House of Great Britain for changing the laws of contraband during the war, which is not permitted under international law. I have criticized Great Britain for extending her blockade to neutral coasts, which is not permitted in international law. I have criticized Great Britain upon the ground that, while the blockade is in existence, it is not entirely effective, because she was using these markets in neutral coasts that were blockaded against us for the sale of her own goods, which is not permitted under international law. I have freely criticized the mother country for repudiation of the rule that neutral flags cover neutral goods. So what I say of the submarine is not because I am biased in favor of or against any particular nation. I think that all Members will admit that the belligerent nations are violating international law on both sides with little regard for the rights of neutral countries, and the question for the American Congress is, Shall we permit, if we can help it, the violation of American rights under international law? Knowing that international law does not cover these new methods, like the submarine, and realizing the delicacy of the situation, the very first thing that our Government did after the war opened, and it did it two days after the war opened, was to address a note simultaneously to both belligerents, asking them whether they would agree upon the declaration of London as the law of naval warfare. That was because the declaration of London had not been signed by some of these belligerents, including England, and it was thought if these belligerents would agree to the declaration of London we would cover the new methods by this agreement and thus avoid many troublesome questions. But, unfortunately, Great Britain declined to agree to it. It might be added that Germany agreed to abide by it. Then we had to withdraw our solicitation, because both of the belligerent powers would not agree. Another question came up, and it was upon the 19th of February, 1915. Our Government addressed a note simultaneously to both belligerents, asking if they would not agree upon a schedule of rights in naval warfare. Please note the second item of that suggestion:

That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

It might be asked, Why did our Government address both sides upon that point? I answer, it was because the submarine is a new weapon, and it was thought if we would have to abide by old international law, the submarine would be virtually useless; and, therefore, not being covered by international law, our Government attempted to bring it under the agreement and thus define the rights of this new weapon. Germany came back with this answer:

The German Government would undertake not to use their submarines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained, submarine would proceed in accordance with the general rules of international law.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. It was on the 28th of February that this answer came from Germany. On the 1st of March, 1915, Great Britain answered our proposals, and her answer was to the effect that Germany was not using her submarines in accordance with international practice, and therefore Great Britain would not agree to be embarrassed by accepting the proposal of our Government. It must be admitted that the British Government was within her legal right to refuse our proposal. Since our Government could not induce the two belligerents to agree to defined procedure for the new weapon, it was left open to us to decide how we would consider the submarine as a war vessel. The question of arming merchantmen defensively against the new weapon came up. On the 18th of January, after two attempts upon the part of our Government to get the belligerents to agree upon a method of naval warfare, our Secretary of State addressed a confidential note, not to the belligerents, as I had unwittingly stated in yesterday's RECORD, but a confidential note to Great Britain, and at the same time the same note to Italy, to France, and to Russia, and six days later the same note to Japan. That is the famous January 18 note, and it was a suggestion not to the belligerent world, not to Germany or her allies, but a suggestion to Great Britain, who controlled the sea, that they agree upon certain rules for armed merchantmen; and in it the Secretary of State, speaking for our Government, informed them that we are considering the proposition of regarding armed merchantmen as naval auxiliary vessels. That is in this note. It was a confidential note, a solicitation to the mistress of the sea to make certain modifications of naval customs to avoid possible consequences. It was not an invitation to all the countries, but a third attempt to get the ruler of the ocean to agree upon a program. That attempt was a recognition of our obligation to abide by international agreement unless a modification can be agreed upon.

Mr. Chairman, I am not inclined to defend the administration; on the other hand, I have freely criticized its economic policies, but there seems to me to have been read into the note of January 18 something that is not warranted. It was a third attempt upon the part of our Government to get the ruler of the sea to agree to either disarm the merchant vessel or to state under what conditions it should be armed and how the armament was to be used. This in itself was an admission that a custom, though out of date, could not be forbidden without the agreement of the powers claiming its right to use it. Great Britain did not see fit to agree to the note. Unfortunately, the note was made public, and it is being quoted everywhere as the position of our Government as if publicly proclaimed to the world. It could not be the position of our Government, for this reason: If we stand on international law and demand of others to be so guided in their conduct as belligerents, then we can not change it in the midst of war without the agreement of the belligerent powers, and in case such agreement can not be reached as is the result of this armed-merchantmen controversy an armed merchantman will be accorded entrance to our ports as a merchantman, free of the restrictions of an auxiliary naval vessel, and must be accorded the right upon the sea, and our embarrassment is, what are we to do in case a submarine attacks American vessels or a belligerent merchantman carrying American citizens? If we hold to international law, then we are not free upon our own motion to change it in time of war without the agreement of the belligerents, which agreement we vainly sought; and, on the other hand, if we do not consider these defensively armed merchant vessels as auxiliary naval vessels, as under former practice they are not, then an American citizen exercising his right to go upon them, whether he should do it or not—and I express a wish that he would not subject his country to the frightful possibilities of what will follow, notwithstanding the fact that he has the right to do it—presents the issue of national honor. The question which the Congress must answer is, What will we do when he exercises his right under international law, admitting it is a foolish thing to do, and goes upon the sea and suffers death? To announce that he goes on his own risk and his country will not protect him is an open acknowledgment of a surrender of our neutral rights, the consequences of which will be hard to sound. To thus tie up the sea would produce untold suffering from many angles.

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. BENNET. Has the gentleman made any comment on the memorandum made by the State Department for the President, dated March 25, 1916, and made public April 19, 1916?

Mr. FESS. I have not made any comment, but I have the note.

Mr. BENNET. The gentleman is familiar with that?

Mr. FESS. Yes; I am familiar with the contents of the matter referred to. The point, though, I will say to my friend from New York, is that we are not free, without the consent of the belligerent powers, to make any change of the customs and procedure of international law while the war is on. I said before the gentlemen came in from your committee that we had made three vain efforts to induce the warring powers to agree upon a method of naval procedure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. That being the case, fellow Members, I do not think the Government is subject to the criticisms in this particular instance that have been offered. To command our undisputed rights in international practice and procedure and still maintain a strict adherence to neutrality and thus offer no offense to any nation is the duty of the Nation and is the problem now confronting us.

Mr. FREEMAN rose.

Mr. PADGETT. How much time does the gentleman desire?

Mr. FREEMAN. Five minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. SHERLEY. Mr. Chairman, I object.

Mr. FREEMAN. Mr. Chairman, while it is true that in most games the rules can not be changed during the progress of the game, yet it is equally true that in the game of war the rules of international law have been constantly changed by the proclamations and regulations of powerful belligerents, and also by the proclamations of powerful neutrals, and such changes have afterwards become recognized and well-established international law. The United States of America, a neutral nation, now has it in its power to make a most essential, a most beneficial change in the rules of international law. We have now the most available, the most necessary neutral ports of the world. It has always been true that war vessels of belligerent nations have been denied privileges in neutral ports, and it is true that the peaceful merchantmen of the belligerent nations have been granted certain privileges in neutral ports. It appears during the progress of this war that a merchantman offensively armed, in accordance with international law of the past, is now practically a battleship for offensive purposes against a submarine at the moment it emerges from the depths. It is most desirable for the United States of America to make full, efficacious, and yet lawful use of submarines in case of war with other nations. [Applause.] Therefore we should establish this rule, that our neutral ports shall not be open to an armed merchantman of belligerent nations. [Applause.]

Mr. SHERLEY. Will the gentleman yield?

Mr. FREEMAN. Our trade may be injured, our trade may be crippled, but if we can establish this principle that armed vessels shall no longer be considered peaceful merchantmen it will redound immensely to the protection and security of our Nation in the future.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. FREEMAN. I can not yield just at the present time. The submarine should have the right in perfect safety to come to the surface of the ocean and to challenge without danger a peaceful merchantman to stop. It should have the right in safety to visit and search a vessel held to by it. I hope the time will soon come when all nations will recognize that the submarine must allow the crew and passengers—men, women, and children—to proceed in safety, and I apprehend that at the conclusion of this war, and perhaps during it, the rule may be established that a submarine may without danger order the crew of a merchantman to throw overboard munitions of war and contraband and then must permit the ship to proceed in safety to a port if its destruction would endanger lives. We may, by taking a firm stand upon this matter, change the rules of international law even during the progress of this war, so that submarines may warn without danger, may search and visit, and may destroy munitions of war, and yet the lives of noncombatants may not be put in jeopardy. [Applause.]

Mr. SHERLEY. Mr. Chairman, there are certain statements made by the gentleman who has just preceded me I do not want to let go unchallenged either as statements of fact or of law. It is not true, in my judgment, that a neutral has the right to make international law during hostilities and by so

doing that it can thus change the rights of belligerents or of itself. Any change of international law by a neutral that serves to inure to the benefit of either belligerent is in itself an unfriendly act and destroys the character of neutrality of the nation making it. [Applause.] Now, it is also not true, in my judgment, that under international law the arming of a merchant ship for defensive purposes deprives it of its character of a merchant ship with the right as such to enter the ports of neutral nations and to use those ports. For this Government to undertake to say that the arming of merchant ships for defensive purposes was sufficient to deny to those ships the privilege of our ports would be to do a most unneutral act that would be little short of an actual act of war, and for men to argue that we can change the rules according as we from day to day may consider it to our advantage, or to the advantage of the world at large, is to bring even worse confusion in the consideration of these questions than now exists. Now, there are certain things that must be remembered, and one of them is this: The fact that a new weapon is put into use at any period of time does not change the rights of neutrals and of innocent people who are noncombatants. Simply by having brought the submarine to its present use, you can not change the right of a noncombatant to have his life protected and not to have it destroyed at the will of one of the combatants. That is the real fundamental fact that underlies this whole controversy, and it should not be lost sight of in the interest of humanity and in the interest of the rights of neutrals.

A submarine has the right to visit and search. It has the right to capture an enemy merchantman or a neutral merchantman with contraband. It has the right to sink the merchantman if the merchantman undertakes to escape or to resist, but if it does not undertake to resist or to escape it can not sink that merchantman without making provision for the lives of the noncombatants aboard it. That is not new international law; that is old and existing international law. The fact that it happens to work to the disadvantage of one belligerent as against another may be unfortunate for them, but can not determine and should not influence the rights or the position of a neutral nation. All America has insisted upon and all this controversy centers around has been that the right of life of innocent passengers, noncombatants, shall be respected by belligerents. That right she never can afford to surrender. [Applause.]

There is another thing. It is not true, and it never has been true, that travel upon merchant ships is simply at the caprice of men. Some men may travel when they had better stay at home, and should stay at home, but no nation engaged as we are in world business can long maintain itself which says to all its nationals, "You can not go outside the boundaries of the country." And so it is putting a false complexion upon things when you say that our citizens should stay at home in order to avoid all danger of complications. There have been hundreds of thousands of men abroad, Americans, that had to come home. There have been men here who have had to go abroad. For this country to say that we will not protect them in a plain right would be to abrogate the very essence of sovereignty. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, I have never allowed myself to become frenzied over the question of preparedness, but I consider the submarine, and an ample supply of them, as one of the most effective and necessary implements and instruments in our system of preparedness. Furthermore, all the knowledge I have gathered from reading history and law compilations and treaties I have found this fact, that international law, so called, is simply the actions, conduct, and proclamations of some warfaring nation that was strong enough to enforce it in war and make it a precedent for peace. I find, furthermore, that the present code of international law, so to speak, was compiled in a series of notes by Jefferson, Jay, Crittenden, and Marshall, and found its way into the common-consent customs of the earth, and is practically to-day our international law. We did not have any submarines then; we did not have any electric-current boats, and conditions are changed. We will suppose in this case that Germany is able to come out victorious in this war. She will establish the precedent that you have got to disarm your ships and put up a signal, or submarines will have the right to sink them and drown the men and women who are aboard. She will set a new precedent in the world's international law, and it will become an international precedent, hence international rule.

Now, the right of travel is absolute, and the right to trade is absolute, and long before Germany's submarine zone was laid England established a war zone, and dragged over 3,000 bales of cotton from neutrals, put it behind her veto line, dragged over 40,000,000 pounds of packers' meat behind it, in total dis-

regard of law, and we did not raise any row with her, notwithstanding she willfully violated international law. Why? Because the power that controls the press in this country did not bring out a thousand headlines and call it an insult.

Friends, fellow citizens, this Government must recognize the theory of contributory negligence, and when some man gets on a belligerent ship armed for aggression as well as defense, armed for offense as well as defense, you need not expect a submarine to give it notice. To give it notice is to invite destruction, and the submarine commander will not voluntarily commit suicide for himself and his crew. Do you suppose that I in charge of a submarine boat would voluntarily commit suicide by notifying a ship that has a gun that can sink me in five minutes when I have no power to resist? No, sir. I will either stay under the water and run away and hide, or I will shoot a torpedo under it and make mincemeat out of its men and gblets out of its timbers. Those are the questions that confront us.

Now, what will America do under such conditions? I want the submarine and I want it for its most effective use, and I want us to establish a precedent that will allow us to use it honorably by forcing innocent ships to put up innocent signals, abolish all arms or be treated as enemies. My brothers, I thank you. [Applause.]

Mr. BRITTEN. Mr. Chairman—

Mr. PADGETT. Mr. Chairman, I renew my request, with the consent of the gentleman, that with the conclusion of the gentleman's time, five minutes, debate on this paragraph and all amendments thereto close.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that at the expiration of five minutes all debate on the pending paragraph and amendments thereto be closed. Is there objection?

Mr. HARDY. Will not the gentleman give me five minutes?

Mr. PADGETT. Then I will say 10 minutes.

The CHAIRMAN. The gentleman amends his request by substituting 10 for 5 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Chairman, I very much enjoyed the statement of the distinguished gentleman from Kentucky a few minutes ago when he very cleverly showed one side of this armed merchantman proposition. We all know that there were two well-defined sides to the status of armed merchantmen when Congress and the country had that controversy up a little more than a year ago.

The Secretary of State first held that the arming of a merchantman with any guns sufficient to destroy a submarine or a destroyer or any other warship naturally made it an auxiliary naval war vessel.

Mr. GORDON. When did the Secretary of State hold that?

Mr. BRITTEN. In his first opinion.

Mr. GORDON. He did not do any such thing. He never held any such opinion.

Mr. SHERLEY. If the gentleman will permit, the Secretary of State did not do that. He sent a note to certain Governments suggesting that line of reasoning, and asking whether they would agree to certain constructions; but the Secretary of State did not put that construction on the law, and he could not have done it, and if he had it would not have been binding.

Mr. BRITTEN. The Secretary of State did suggest that very thing, although it was never made effective.

But after all, Mr. Chairman, we have got to consider this matter from a fair and reasonable basis. When you put a 2 or a 3 or a 4 inch gun on a merchant ship you make it superior to the submarine before it is sent out on the high seas loaded with millions of rounds of ammunition for the destruction of one of the belligerents. Is it quite fair to say that a single American passenger can insure the safe delivery of an enormous cargo of munitions of war to the other side, because we say to Germany, "You do not dare touch that ship; there is an American on it."

The distinguished gentleman from Wisconsin [Mr. COOPER] very cleverly exemplified that folly in the event of our being at war with Japan. Does any gentleman on the floor of the House say that if we were at war with Japan, and a great Japanese merchant liner was sending millions of rounds of ammunition to a base in Mexico to destroy our boys and it had on board three or four Chinese citizens, that our submarine commanders would say, "Don't sink that ship; there are neutrals on board"? If he did and allowed that cargo of ammunition to go into Mexico to find final resting place in the breasts of our boys, what do you think Congress would say of him? He would be immediately court-martialed. There is no question about that.

However, the inconsistency of the State Department on this whole matter is no worse than the inconsistency of the Navy Department, which now and always has been lopsided. Let me call your attention to one or two of the inconsistencies in the bill that is now pending before the House. A year ago Admiral Strauss came before the Committee on Naval Affairs and said, "We need more than a million dollars for anti-aircraft guns for naval-station defense; we have none." What do you suppose became of that appropriation? The Secretary of the Navy struck it out. He said it was not necessary, and out it came. To-day the Secretary asks for that very same thing. Was it not evident a year ago that they were necessary? His bureau chief said we had none. That is an evidence of the inconsistency and lack of business administration that characterizes the Navy Department.

Then, on the question of torpedoes. The Committee on Naval Affairs inspected the Government torpedo plant at Newport, R. I., the only one in the country outside of a private corporation, the Bliss Co. When we returned every member of the committee was impressed with the need of more torpedoes. We had only about 700 in the service, which would be about one and one-half to each torpedo tube. In other words, we are sending ships out on the high seas, ships whose destructive qualities are dependent entirely on the torpedo, and we put only two or three torpedoes on each of them. One and one-half torpedoes per tube, and when they have shot those they must come home. They have no more torpedoes.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. PADGETT. I want to say that the gentleman is far, far, far afield from the facts. [Applause.]

Mr. BRITTEN. Well, I will show the distinguished chairman of the committee how far afield I am from the facts. We on the committee have been calling for more torpedoes. We have been requesting larger appropriations. When I say "we" I am talking about the Republican side of the committee, for the Democratic side of the committee has always been under the thumb and subservient to the wishes and to the dictation of the Secretary of the Navy, and that is the reason why we have any number of requests before us to-day calling for emergency appropriations of millions and millions of dollars for things that are urgently needed by the Navy.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The time has been fixed by the committee itself.

Mr. BRITTEN. I ask unanimous consent that I may have five minutes.

Mr. PADGETT. I must object now, because the gentleman can have other time.

Mr. BRITTEN. I would like to have my remarks appear in continuity, because the chairman of the committee just indicated that my statement was not correct.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more, notwithstanding the limit fixed by the committee.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Illinois may proceed for five minutes more, notwithstanding the time limit fixed by the committee. Is there objection?

Mr. HARDY. Not to come out of those ten minutes?

The CHAIRMAN. No. Is there objection?

There was no objection.

Mr. BRITTEN. Now, then, the distinguished gentleman from Tennessee who presides over the committee—and I have the very highest regard for him and for his ability—indicated that I was wrong when I said there was a great shortage of torpedoes in the Navy. Let us see what Admiral Strauss had to say when he appeared before our committee last year and requested an appropriation of \$3,285,000 for torpedoes and appliances, and then let us see what the committee gave him.

Mr. LONGWORTH. How much do they cost?

Mr. BRITTEN. Eight thousand dollars for the 21-inch and \$6,000 for the 18-inch. Mind you, we have boats on the high seas, boats like destroyers and submarines, whose main means of offense is the torpedo, although they have small guns. Without torpedoes they are practically useless. We have been sending them out on the high seas with only three or four torpedoes in them and nothing else but small-caliber guns. The Chief of the Bureau of Ordnance of the Navy, the best posted man on ordnance in the Navy to-day, Admiral Strauss, told us that his estimate of appropriations for torpedoes was \$3,800,000, and the Secretary cut that down to \$800,000, on the theory that we did

not need so many. The result is that many of our cruisers and submarines continue to go about inadequately supplied with antiquated torpedoes, simply because the Secretary of the Navy did not want to spend the money.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. CALLAWAY. If they were in any danger at all they would not go with the torpedoes, would they?

Mr. BRITTEN. If they would not go with their equipment of torpedoes they are useless in battle? Would you keep them at home? That is the point I am trying to make. The chairman of the committee says I am in error. I can prove that we have ships on the high seas to-day with torpedoes that can not go more than 2,000 yards.

Mr. CALLAWAY. We have not had any necessity for using even those yet.

Mr. BRITTEN. From the gentleman's viewpoint we will never need any. Now, the Secretary of the Navy comes before Congress with requests for a dozen or more emergency appropriations, merely indicating the lack of foresight of the department. These matters have all been pointed out by experts in the service qualified to know. Why, the chairman of the Naval Affairs Committee will to-day or Monday request \$800,000 for the Newport torpedo works. We have been talking about that for years, and getting nowhere; but now we see an enemy staring us in the face. We see the prospect of a fight. I hope to God the President will continue to remain too proud to fight; because an American life on the high seas should not be a bit more valuable to us than an American life in Mexico, and we did not fight there. So there will be no greater reason for fighting now.

Mr. SIMS. The President has never alleged himself to be too proud to fight.

Mr. BRITTEN. Pardon me, I thought he had.

Mr. HOPWOOD. I was present in Philadelphia and heard the President's speech, and he used those exact words.

Mr. SIMS. As printed it does not read that way.

Mr. HOPWOOD. I was there and I heard the words "too proud to fight."

Mr. BRITTEN. What I want to bring to the attention of the House is not whether a man is too proud to fight or not. I want to show the thorough inconsistency not only of the State Department but of the Navy Department. They are 50 per cent right on everything, because they are always on both sides of every question. The chairman of the Naval Affairs Committee is going to ask this House to incorporate in the present bill an \$800,000 emergency appropriation for the Newport torpedo works—at a time when labor and material are almost prohibitive.

Mr. PADGETT. Mr. Chairman, will the gentleman yield just there?

Mr. BRITTEN. I will for a question, but not for something to be read out of the record. The chairman of the committee can have all the time he wants.

Mr. PADGETT. I want to correct the gentleman's statement.

Mr. BRITTEN. I got the figures, and I took them out of the hearings.

Mr. PADGETT. I want to read from the hearings of last year just what Admiral Strauss said.

Mr. BRITTEN. All right; the gentleman can read it in his own time, if he pleases.

Mr. PADGETT. All right.

Mr. BRITTEN. During the consideration of this bill the chairman of the committee has presented what might be termed emergency appropriations running probably to \$10,000,000, and the Lord only knows how many more.

Mr. BROWNING. Fifteen million dollars.

Mr. BRITTEN. The gentleman from New Jersey [Mr. BROWNING] says \$15,000,000. And what is the occasion? It simply means that the Navy Department up to the present time has been blinded by its pacifism, a pacifism of the Bryan type that will accept an authorization from Congress to-day and pray to God that they will not be able to spend it to-morrow, or any other time, in the hope that some happy millennium is coming. [Applause on the Republican side.]

Mr. HARDY. Mr. Chairman, it seems to me a little strange that so many gentlemen who apparently joined in applauding the sentiments uttered by the President on his last appearance before this body have to-day for some reason found it necessary to attack all those sentiments, and to present for a new discussion and again seek to approve the McLemore resolution which was voted down a year ago. When the President presented in this House, with unanswerable power and logic our Government's answer to Germany's last submarine, unrestricted de-

struction proclamation, that side as well as ours almost solidly indorsed and applauded him. Now a goodly number of Republicans are putting on a new and different front.

Mr. BRITTEN rose.

Mr. HARDY. I rose just for one thing, but I want to say to the gentleman who seeks to interrupt me that I have only five minutes, and I will not have time to reply to what was said by him. The gentleman [Mr. BRITTEN] seems to be affected by Danielsphobia. [Applause on the Democratic side.] I have never heard him make an argument here or address the House for five minutes without attacking Mr. Daniels, notwithstanding every statement of his attacking the Secretary has been denied and refuted, and notwithstanding the Secretary has been praised for his splendid service by Admiral Dewey, who has now gone to the reward of the greatest of our naval commanders. [Applause on the Democratic side.] Nevertheless the gentleman from Illinois persists and rises in his place upon all occasions to beslime and belittle the Secretary of the Navy. I do not think it is worth replying to. [Applause on the Democratic side.] What I rose to speak of is the proposition the gentleman from Connecticut [Mr. FREEMAN] made a moment ago, that the duty of this Government is to deny our ports to the entry of every merchant vessel armed for defense. His statement was very deliberate and clear that merchant vessels armed for self-defense only ought to be treated by us as war vessels. Gentlemen, let me call your attention to the fact that perhaps 90 per cent of the merchant vessels that have been sunk by submarines have been unarmed, and that many of these have been sunk without warning and without providing for the safety of passengers or crews, while many armed vessels have been able to escape destruction. And finally let me call your attention to what I think the effect of such a ruling by our Government would be. It would destroy not only the commerce of the belligerent nations and starve England to death in a short while, but it would destroy the commerce of the United States herself, our surplus grain and cotton would rot in the fields and at the wharves, and America as completely shut off from the world as if we were blocked by enemies on all our sea coasts. And I want to tell you that if submarine warfare is to be conducted in the way indicated by the German note last issued America ought to arm every merchant vessel she sends upon the seas for defense, and there is no question they will be safer armed than unarmed.

If we wish to destroy our own commerce, let us adopt the rule that the gentleman [Mr. FREEMAN] suggested and send our merchantmen out unarmed, an easy prey and sure victim of the submarine. To make this clear, let me show you how it would act. The German submarine might be hunting and seeking to capture only English or French vessels, and might prefer to sink without warning only armed English or French vessels. But it is plain that any ship in danger of destruction will resort to any ruse for safety and will hoist any flag that might mean safety. So the English or French ship will hoist the American flag. It is clear also that when the German submarine sights a vessel bearing an American flag she will not know whether it is an English or American—an armed or unarmed—ship and she can not know except by a search, and if she be not required to make this search but may destroy by a sudden and stealthy shot, what can you have except the indiscriminate destruction of all merchant ships on the ocean, just as we have been having since February 1? If it be sought to excuse or justify the destruction of a merchant ship bearing noncombatants—men, women, and children—without warning and by the method of the assassin, the stab in the dark, on the ground that that is the only way the submarine can effectively operate, the only way in which it can successfully win triumph for its nation, I answer that the same excuse or justification can be given for poisoning the wells and streams of an enemy country. The deliberate murder of sleeping or unsuspecting noncombatants can not be justified. I ought not to leave this question without saying that it seems to me the sinking of a vessel carrying munitions of war presents a different question. In my judgment, our noncombatant citizens not only ought to keep off such vessels but ought to be warned by our Government to keep off of them.

I will not elaborate this proposition, but I think any nation would perhaps resort to any method, open or secret, to stop or destroy a shipload or a trainload of rifles or shot and shell on its way to the enemy. If we would do it ourselves, we can not ask another nation to refrain from doing it.

But, to get back to the proposition of the gentleman from Connecticut, the gentleman ought to know that the very clear distinction, always recognized heretofore by all nations, between a war vessel and a merchant vessel armed for self-preservation

and protection is involved in the answer to the question, What do they do with their weapons?

If a merchant vessel, so called, armed for defense, adopts warlike measures by attacking the war vessels or the merchant vessels of an enemy or marauding on the seas, if she goes beyond her legitimate business as a carrier, then she becomes a war vessel; but so long as merchant vessels armed for defense confine their labors to the carrying and transporting of commodities and do not engage in war, they are entitled, under the laws of humanity and the laws of nations, to arm as strongly as they see fit in order to defend themselves from attack. Neither the size nor the character of her guns affect a vessel's right to defend herself. It is what she engages in, not how she arms herself, that affects her status. Her right is to defend herself. That right is absolute and unlimited by the law of nations, and that law can not ever be affected by the character of the vessel against which it is proposed to be exercised. Not only so, but by international law there are only three conditions under which a merchant vessel may be sunk: First, when she is resisting capture; second, when she is fleeing to escape capture; and third, when she has been captured and the safety of her crew and passengers provided. No nation has a right to sink a merchant vessel except under one of these conditions. And we as a Nation must assert our rights to defend our merchant vessels against the unlawful attack by any nation on the earth, whether we are at war with them or not, and must insist that neither Germany nor any other nation sink any of our merchant vessels except under one of the conditions I have named. That is, the proposition and the arguments that are being made here to-day seem to lose sight of the fact that we, as a Nation, are interested in this question as deeply as any nation in the world. Let us close our ports to vessels armed for defense, and what happens? We can not arm our own vessels for defense, and we must tamely submit if our ships are sunk without warning, as they will be. No, Mr. Chairman, I reach the conclusion that submarines, while useful in war, must confine their destructive efforts to war vessels and war vessels alone. Otherwise the time will come when America, although she be provided with submarines herself, must close her ports to the commerce of the world and cease to send out her commodities to the markets of the world. That is the proposition we must stand against. That is the proposition we stand against in adhering to the President's last message. We assert the right of merchant vessels to travel the seas over, and arm themselves to the extent that may be necessary in order to defend themselves against attack. To hold otherwise to-day is to hold that all the peaceful commerce of the world must stop, or else be convoyed by the battleships of the nations to which it belongs, and thus we bring all the presently neutral nations into the war to protect their commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, in view of the statements made by the gentleman from Illinois [Mr. BRITTEN] I ask for five minutes, notwithstanding the rule.

The CHAIRMAN. The gentleman from Tennessee asks for five minutes, the rule to the contrary notwithstanding. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, in view of the statements made by the gentleman from Illinois [Mr. BRITTEN] a few moments ago, when I asked to read into the RECORD an extract, and at that time he declined to allow me, I want to read from the hearings of the committee last year, on page 1193, from the statement of Admiral Strauss, Chief of the Bureau of Ordnance. He says:

The torpedo situation is well in hand. We have now actually on hand or in process of manufacture torpedoes sufficient for the full allowance and reserve for every ship that we possess or has been authorized. The torpedoes being manufactured will be ready for the ships as soon as they are put in commission. In this year's estimate I did ask for a large sum of money to provide replacement torpedoes for the three battleships of the Ohio class, for six armored cruisers, and for destroyers. The above-mentioned vessels now have 4,000-yard torpedoes—

He said 8,000-yard torpedoes—

And the 4,000-yard torpedoes will not be wasted, as they will be kept in stock for the present and future submarines, a class of vessels upon which such torpedoes would be entirely efficient.

The department cut this item out of the items. However, the payments include \$800,000 that will be utilized for the manufacture of replacement torpedoes, principally to carry out a general scheme we have had in hand now two or three years by which the three dreadnaught ships are to have their torpedoes increased in range. This money will complete that scheme and, I hope, will provide sufficient funds to give new torpedoes to the nine small submarines in the Philippines.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Will the gentleman, before he closes, tell the committee from what amount this \$800,000 was deducted?

Mr. PADGETT. I do not remember.

Mr. BRITTEN. The gentleman has it right there. One million three hundred and forty-five thousand dollars, was it not? No; I think it was over three millions.

Mr. PADGETT. A greater amount was asked, and it was not given because it would not complete it.

Now, then, I want to state that the range fixed by the General Board for the submarine for fighting is 1,000 yards, and instructions have been given that the submarines are expected to get within 1,000 yards of the opposing ship in case of necessity. And yet they are provided with 4,000-yard torpedoes.

Now, then, gentlemen, permit me to speak of a little thing that occurred, in which I become a little reminiscent. The gentleman's continuous attacks brought to my mind an occurrence said to have taken place in the State of Virginia during the Civil War. The great and magnificent army of Gen. Grant was moving forward in grand and magnificent splendor and grandeur. Thousands upon thousands of infantry were marching forward, troop after troop of cavalry were going by. The cannon drawn by horses numbered in the hundreds and the great caravan of wagons containing stores were moving on. Now and then a wagon wheel might break down that would delay things for a little while, or a cannon might get mired in the mud and stop the procession a little while, but the whole great procession was moving forward in a grand and glorious phalanx. Little Johnnie was sitting out on the fence watching it all, and he had a little dog with a big name called Tige. Tige was running and jumping and snapping and snarling and growling and barking all up and down the fence. Little Johnnie got very much excited and cried out, "Dad, come here quick, Tige wants to bite the army." [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to return to page 21 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to recur to page 21 of the bill to offer an amendment. Is there objection?

Mr. BUTLER. Mr. Chairman, I would like to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 6, strike out "\$100,000" and insert "\$900,000."

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, will the gentleman make some explanation as to the need of this increase of \$800,000 in this item for machinery for torpedo factory.

Mr. PADGETT. Mr. Chairman, I will state to the House that while we were passing this portion of the bill I received a request for this increase, but they have not given me any explanation or reasons for it. I did not offer the amendment at that time because I did not have at that time a full statement of the reasons. I passed it over without offering the amendment. Since then I have received from the Secretary of the Navy a letter explaining the situation, and, accompanying that letter of the Secretary, a statement from the officer in charge, Commander Robison, who is in charge of the manufacture of torpedoes at the Newport Station. I ask unanimous consent that the letter of the Secretary and the statement may be read, pending the reservation of the point of order, for the information of the House.

Mr. BRITTEN. Mr. Chairman, before that is done will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. BRITTEN. Referring to the gentleman's little story, it looks as if Tige had bitten somebody. The request is here for \$800,000 that the gentleman from Illinois [Mr. BRITTEN] said was coming, and if there is any reason for this request now for \$800,000 or \$900,000 for a torpedo plant, why did the committee, controlled by the distinguished gentleman, have only \$100,000 when he brought the bill into the House?

Mr. PADGETT. Because that was the amount that was submitted at that time, and new conditions have arisen since then which have changed the situation.

Mr. BRITTEN. What are the new conditions?

Mr. PADGETT. The gentleman has been discussing them very largely here this morning.

Mr. BRITTEN. I thought they might have had something to do with the gentleman's little dog Tige.

Mr. PADGETT. I do not think that the bark had anything to do with it. [Laughter.] Mr. Chairman, I ask that the letter of the Secretary and the statement of Commander Robison be read for the information of the House.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the Clerk read the statements referred to. Is there objection?

There was no objection.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 7, 1917.

HON. LEMUEL P. PADGETT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. PADGETT: I am sending you a request from the torpedo station that shows how it is possible by spending \$800,000 for the improvement of that plant to save the Government \$2,000,000 on an initial order for torpedoes. The average price of torpedoes purchased under current contracts is a about \$8,300. The estimated cost as given by Commander Robison for torpedoes manufactured at the torpedo station is not more than \$6,000.

As regards patents, the E. W. Bliss Co. holds certain patents either in fee or by license that are used. The value of these patents as estimated by the Bureau of Ordnance is not more than \$250. As the Bliss Co. has the free use of a good many features developed by naval officers, there has been in the past a free interchange between that company and ourselves in the use of patents. Whether this condition will continue, of course, I can not state; but we certainly would not pay them a cent of royalty without litigation.

In view of the circumstances I recommend and request that to the appropriation bill be added a special appropriation under the Bureau of Ordnance of \$800,000, to be immediately available, for extension of facilities at the torpedo station.

Faithfully, yours,

JOSEPHUS DANIELS.

[1st indorsement.]

To: Navy Department.
Forwarded, approved.

RALPH EARLE.

NAVAL TORPEDO STATION,
Newport, R. I., February 7, 1917.

To: Navy Department
(Via Chief of Bureau of Ordnance).
Subject: Torpedo manufacturing project.

1. The torpedo station has recently completed the manufacture of 204 Mark IX, model 1, torpedoes, at an approximate invoice price of \$3,370.71 each. The "red ink" charges of this lot of torpedoes amounts to \$931.59 each, making the gross unit cost to the Government \$4,302.30. The "red ink" charges above referred to include all known costs not legally chargeable to the invoice price of the torpedo, such as officers' pay and allowances, leave and holiday, clerks, drafts-men, planners, disability, storekeeping costs, experiments, maintenance and repairs of plants, insurance, depreciation, interest, pay of enlisted men used in tests, and maintenance of test barge and launches.

2. The rate of manufacture of torpedoes during the month of January, 1917, was 375 per annum. Under authority recently received to work overtime, men are now working 10 hours daily, with time and one-half pay for the overtime. The rate of manufacture has thus been increased to approximately 450 torpedoes per annum. The total number of torpedoes the torpedo station is now under contract to manufacture is 610. Deliveries extend to December 31, 1918.

3. It is possible approximately to double the present output of the torpedo station without by any means doubling the plant investment. Detailed study of the conditions shows that approximately \$800,000 will be required for this development. This is in addition to the usual sums that it is understood are included in the pending naval appropriation bill. It includes an allowance for all outlays necessary, such as buildings and machine tools to give the torpedo station a normal output of a complete torpedo each four hours, or approximately 750 torpedoes per annum (10-hour day). This normal increased output can be further enhanced by purchase of a very considerable number of the torpedo parts from private manufacturers. Investigation shows that there is a large number of commercial concerns capable of furnishing parts suitable for use in torpedo manufacture. Such practice will increase the cost of the torpedo, but will increase the output of the torpedo station to not less than 1,000 per annum.

To accomplish the above, it is recommended:

First. That the torpedo station be immediately ordered to manufacture 1,000 torpedoes; to expedite their delivery in lots of 100.

Second. That authority be given at once to the torpedo station to include in the cost of this manufacturing project the actual cost of such equipment as may be strictly necessary for this particular purpose (the total expenditures under this heading will amount to \$800,000, would increase the invoice price of torpedoes approximately \$800 each, and can be covered otherwise by special appropriation of Congress for this specific purpose).

Third. Expedite the purchase of material for torpedoes as follows:

(a) Purchase with competition, but without advertisement.

Fourth. Additional clerks, additional boats for second test range, and at least two additional officers will be required.

4. If the recommendations in the foregoing paragraph are approved, the torpedo station will complete delivery of 1,000 torpedoes by December 31, 1919; this, in addition to those now under contract; at a gross cost to the Government of not more than \$6,000 each. This figure of \$6,000 is based upon previous costs referred to in paragraph 1, augmented to cover the following: (a) Increased cost of material; (b) increased rate of wages; (c) 30 days' leave per annum; (d) increased cost due to overtime work; (e) cost of extensions to equipment above referred to; (f) increased cost of material purchased from outside contractors; (g) decreased efficiency of labor, due to rapid increase in number of employees; and (h) 10 per cent allowance for unforeseen contingencies.

5. Based upon current contract prices, approval of this recommendation will not only give an increased establishment available for future work, but also will give a direct saving to the Government of more than \$2,000,000.

JOHN K. ROBISON.

Mr. STAFFORD. Mr. Chairman, I would like to inquire as to the percentage of torpedoes that will be furnished by Government plants when this equipment is provided?

Mr. PADGETT. It would enlarge the percentage, but I can not tell the gentleman just how much would be awarded to private contract and how much would be manufactured by the Government. This letter states that if the enlargement is made they can manufacture 1,000 torpedoes by the end of 1919.

Mr. STAFFORD. The gentleman has no idea as to what percentage will be manufactured in Government establishments as compared with those manufactured by private plants?

Mr. PADGETT. We are manufacturing now about a hundred a year at the Washington Gun Factory here in this city, and in the bill, as already approved by the committee, we have made provision for about doubling that, so that they expect to make 200 here at the gun factory.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARDNER. Mr. Chairman, the gentleman spoke of eight submarines in the citation from Admiral Strauss, in the Philippines.

Mr. PADGETT. I believe it said nine, if I remember right.

Mr. GARDNER. I thought it was eight. Can the gentleman tell us how many torpedoes each one of those submarines in the Philippines can carry when it leaves its base?

Mr. PADGETT. I have forgotten the number of tubes those submarines have—whether it is four or two.

Mr. GARDNER. I thought the A boats had two tubes. Does the gentleman remember how many torpedoes there is room for in those A and B boats?

Mr. PADGETT. They carry a certain number. They have never indicated publicly what they carry. They have told me personally, but I do not feel at liberty to disclose it.

Mr. GARDNER. It is a fact that all of the earlier types of submarines do not carry in excess of four torpedoes, is it not?

Mr. PADGETT. Per tube.

Mr. GARDNER. Two in the tubes and four extra, is the only type; or is the gentleman not at liberty to say?

Mr. PADGETT. I would not want to say the exact number.

Mr. GARDNER. Then I will ask the gentleman another question. How long would it take to make a single torpedo if you had your plant all ready? How long would it take from the time the work started to make one of the 21-inch torpedoes, if we had an unlimited plant?

Mr. PADGETT. Well, you could make a great many in the same time—

Mr. GARDNER. I understand that.

Mr. PADGETT. While you are making one.

Mr. GARDNER. I understand the operation.

Mr. PADGETT. I think the time of construction, as I remember heretofore, has been something like a year.

Mr. GARDNER. For instance, suppose our Newport torpedo station were to be blown up and that we built a new one and got all the machinery in. From the time we got that machinery in how long would it be before we could turn out the first torpedo?

Mr. PADGETT. I think it has been taking about a year on the eight-hour basis.

Mr. GARDNER. Suppose we were to speed up?

Mr. PADGETT. If we were to speed it up it could be made, I should say, in six or eight months. There is a great deal of that that is very delicate machinery.

Mr. GARDNER. I know it is.

Mr. PADGETT. The gentleman understands that.

Mr. GARDNER. And I am not criticizing; I am trying to get information on this.

Mr. PADGETT. I think that it would take something like six, seven, or eight months.

Mr. GARDNER. Then, after you have got your machinery all ready and your material all assembled, the gentleman thinks it would take from six to eight months to manufacture, say, 100 torpedoes, provided the manufacturers were not restricted to an eight-hour day?

Mr. PADGETT. Something like that, if I remember correctly.

The CHAIRMAN. Is there objection.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. PADGETT. Mr. Chairman, I just want to submit another request.

Mr. MANN. Has the gentleman put his statement in the RECORD?

Mr. PADGETT. Yes, sir; I filed everything I had. I ask unanimous consent to return to page 25 to insert a new provision, which I send to the Clerk's desk and ask to be reported.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 25 to insert an amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, line 6—

Mr. CALLAWAY. Mr. Chairman, I do not want to lose any of my right to reserve the right to object.

The CHAIRMAN. The gentleman does not lose any right.

The Clerk read as follows:

Page 25, line 6, after "\$50,000" insert "clothing factory, \$300,000." Page 25, line 6, strike out "\$257,000" and insert "\$557,000."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object—

Mr. PADGETT. Mr. Chairman, pending the reservation I desire to say this is a supplemental estimate that came through the Treasury Department and which reached us just a few days ago. It is not a committee amendment which I offered, but I am offering it myself because it came after the committee considered the bill. I ask to have read a letter of the Secretary and also a statement from Admiral McGowan, Chief of the Bureau of Supplies and Accounts, pending the reservation of the point or order.

The CHAIRMAN. The Clerk will read the matter indicated. The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 3, 1917.

SIR: I have the honor to forward herewith, with the request for transmission to Congress, additional and supplemental estimates of appropriations required for the Naval Establishment for the fiscal year ending June 30, 1918, as follows:

Public works, Bureau of Yards and Docks:	
Navy yard, Charleston, S. C., clothing factory.....	\$300,000
Naval Academy:	
Pay of professors and others, Naval Academy, commissary department.....	8,020
Maintenance and repairs, Naval Academy.....	75,000
Total.....	383,020

With reference to the requirements of act of June 22, 1906 (34 Stat., 449), the necessity for the submission of these estimates at this time is due, as to the first item, to the lack of time between the passage of the last naval act and the submission of the regular estimates in which to draw up a tentative design for the proposed building and to estimate its cost. The increase in personnel authorized in the last naval act created the need for additional facilities for the manufacture of clothing.

The Naval Academy items grow out of the necessity for providing temporary quarters for the additional midshipmen authorized by the act of February 15, 1916. The matter of quarters for midshipmen has been under consideration for several months, and no decision had been reached at the time of the submission of the regular estimates. The other recommendations on this subject are covered by House Document No. 1930.

Very respectfully,

JOSEPHUS DANIELS,
Secretary of the Navy.

The SECRETARY OF THE TREASURY.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., February 5, 1917.

Pursuant to your oral request of yesterday, the following comparison of prices of clothing manufactured at the Charleston clothing factory and the cost of manufacture of these articles before the Charleston factory was established is furnished:

Item.	Cost at New York before establishment of Charleston factory.	Average cost at Charleston during first year.
Jumpers, dungaree.....	\$0.63	\$0.553
Trousers, dungaree.....	.80	.516
Trousers, white.....	1.05	.764
Drawers, nainsook.....	.254	

The average prices at Charleston since the factory was established is much higher than the average for the first year. This is due to the large increase in the cost of material, but it will be noted that in only one case—that of dungaree jumpers—is the average cost of manufacture higher than it was prior to the establishment of the Charleston factory. Were it not for the increased cost of material, the actual cost of these garments would be less now at Charleston than during the first year of the factory's operation.

McGOWAN.

Mr. MANN. Mr. Chairman, reserving the right to object, we have recently had reported to the House a bill to authorize the construction of a factory in connection with the Atlanta Penitentiary for the manufacture of textiles. I do not know that that necessarily contemplates the manufacture of clothing, but it is for the manufacture of textiles for the use of the Government, textiles for mail bags, and so forth, and another provision for the construction of a furniture factory at the Fort Leavenworth Penitentiary. The Attorney General of the United States is very much in earnest in the hope that Congress will do something which will permit the inmates of the penitentiaries to be engaged in some occupation manufacturing things for the use of the Government, so that they will not more than necessary come in competition with trade outside of the Government. There was an investigation made last year under the authority

of Congress. A commission was appointed to make a report with reference to these matters, and they made their report recommending a bill, and that bill was introduced, I think, by the gentleman from Kentucky, who is taking an active interest and at whose instance the commission was appointed, and the Judiciary Committee has reported that bill. Now that the Attorney General is extremely anxious to have that bill passed at this session of Congress and become a law so that these men who are in prison may not be compelled to remain in idleness, it seems to me at first blush that if we need a new factory for the manufacture of clothing we could not do better than have the penitentiary inmates make that clothing in a factory at the penitentiary, and, believing that it ought to receive further consideration in that direction, I am going to take the privilege of objecting to the request, and therefore I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to return to page 14, line 17, and consider the amendment which I offered a few days ago and to which the chairman said there would be no objection to returning.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to return to page 14 of the bill in order to offer an amendment. Is there objection?

Mr. BUTLER. Let us hear it read first.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, let the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 14, after line 17, insert: "Naval training station, Florida: Maintenance of naval training station, Key West, Fla.; labor and material; building and repairing wharves; dredging channels; repairs to causeways and sea walls; general care, repair, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and incidental expenses necessary thereto; purchase of live stock and attendance on same; wagons, carts, and all necessary implements; tools and repairs to same, and maintenance of same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material and maintenance of same; lighting; stationery, books, schoolbooks, and periodicals for increasing the efficiency and perfecting the present fortifications; fresh water and washing; packing books and material; and all other continued expenses; lectures and suitable entertainments for apprentice seamen; suitable vessel or battle cruiser for training naval militia; in all, \$100,000: *Provided*, That the sum to be paid out of this appropriation under direction of the Secretary of the Navy for physical training, instruction, and messenger service, for the fiscal year ending June 30, 1918, shall not exceed \$6,000."

Mr. PADGETT. Mr. Chairman—

Mr. STAFFORD. Reserving the right to object—

Mr. PADGETT. I told the gentleman I would not object to his returning, but that I was opposed to his amendment, and I wished to reserve a point of order against it.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. It has not been offered yet.

Mr. STAFFORD. I would like to know whether there is any difference in the item now proposed from the item presented the other day when the gentleman from Tennessee made the point of order against it?

Mr. SEARS. It is the same amendment.

Mr. STAFFORD. It was not submitted at that time. It had the opposition of the chairman of the committee.

Mr. PADGETT. And the chairman of the committee refused at that time, and said he would take it up at a later time and would resist the amendment.

Mr. STAFFORD. The gentleman recognizes it is subject to a point of order?

Mr. SEARS. Yes, I do.

Mr. STAFFORD. Has he any additional data to submit than he submitted the other day?

Mr. SEARS. Mr. Chairman, I do not desire to take up much of the time of the committee as I discussed the amendment the other day. We are appropriating approximately \$365,000,000 in this bill and to consume much of your time would be presumptuous on my part. But I believe that this House wants to prepare. I believe they should prepare. The only fear I have in securing the passage of my amendment is because of the small amount that I am asking. It is so easily grasped when you mention \$100,000 and so hard to grasp when you mention \$10,000,000. I simply want to call the attention of the House to the location of Florida from a strategic point, which perhaps you are no doubt familiar with. But here is Florida [indicating on map], located here is Key West, and the Secretary of the Navy has stated in a letter, which I desire to read again because I think it is important:

The Navy Department fully appreciates the importance of Key West as an offensive and defensive base, and all the department's plans include Key West.

Its primary use would probably be as an operating base for torpedo boats, destroyers, and submarines used to close the Florida Straits

and Yucatan Channel to the enemy, thus protecting the whole of the Gulf coast from enemy attack.

Now, from that letter of the Secretary it does appear to me that if you want to prepare there is no better place for you to locate a training station for submarines, torpedo-boat destroyers, and torpedo boats than Key West, because if you did so it would be absolutely impossible for the ship of an enemy to get into the Gulf of Mexico. And you would protect Galveston, Mobile, or any other place situated on the Gulf. I believe that base should be established there. While I realize this amendment is subject to a point of order, I do not believe any Member will raise it. I stated the other day that I made my few remarks in order that the Members of this House might look into it, and I want to say now, as I said then, that after studying it, if you do not believe the appropriation should be made, it is your duty to vote against it. But if you do believe, as I earnestly believe, that it is in behalf of preparedness and protects the Gulf, and also will be a protection to the Panama Canal and places along the Atlantic coast, then it is the duty of the Members of this House to vote for the appropriation. I want the amendment to stand on its own merits, and I ask the Members to vote for it if they decide that it is a meritorious request.

I do not care to take up more of your time, because you so kindly gave me 10 minutes the other day. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Florida to return to the page indicated?

Mr. STAFFORD. I object.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk read:

The Clerk read as follows:

INCREASE OF THE NAVY.

Of the vessels authorized in the act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916, the construction of the following vessels shall be begun as soon as practicable at a cost, exclusive of armor and armament, not to exceed the following amounts: Three battleships, \$15,500,000 each; 1 battle cruiser, \$19,000,000; 2 scout cruisers, \$6,000,000 each; 15 destroyers, \$1,300,000 each; 1 destroyer tender, \$2,300,000; 1 submarine tender, \$1,900,000; 18 coast submarines, to have a surface displacement of about 800 tons each, \$1,500,000 each, and the limits of cost for the 4 battle cruisers and for 3 scout cruisers authorized and appropriated for in said act but not yet contracted for are increased to not to exceed \$19,000,000 each for the battle cruisers and \$6,000,000 each for the scout cruisers, exclusive of armor and armament, and the construction of said vessels shall be begun as soon as practicable.

Mr. CALLAWAY. Mr. Chairman, I want to ask the chairman of the committee—

Mr. PADGETT. Mr. Chairman, will the gentleman yield for just a moment? I wanted to ask if we could agree upon a time limit for discussion and debate upon this paragraph.

Mr. BUTLER. I think a half hour over here will suffice. The gentlemen have discussed some of the features involved in this bill.

Mr. BURNETT. What feature of it?

Mr. PADGETT. The paragraph on page 58 that embraces authorizations for the increase of the Navy.

Mr. MANN. Is there likely to be much discussion of the other items under increase of the Navy?

Mr. PADGETT. I think not, sir; if the paragraph on page 58, beginning with line 6, is agreed to, there will be very little discussion upon the remaining portion. There is one item in there that perhaps might provoke some discussion, but the others are matters of calculation. There is a provision carrying an appropriation of \$12,000,000 for the enlargement of the activities of the navy yards in construction.

Mr. MANN. How much time is wanted on your side?

Mr. BURNETT. Does the gentleman know what amendments may be offered? How can you agree unless we know?

Mr. PADGETT. We have had it under general discussion this morning about three hours, anticipating coming to this.

Mr. OLIVER. Mr. Chairman, reserving the right to object, this is the most important paragraph in the bill, and will possibly elicit more amendments and more discussion than any other paragraph in it.

Mr. PADGETT. I just withdraw the request for the present and will let it proceed under the five-minute rule.

Mr. KITCHIN. I suggest to the gentleman that I would not do that yet.

Mr. PADGETT. How much time does the gentleman from Alabama [Mr. OLIVER] want?

Mr. OLIVER. I think, so far as those who signed the minority report are concerned, that 30 or 40 minutes would be enough—say 40 minutes.

Mr. PADGETT. Do you think that 40 minutes will be sufficient for you?

Mr. OLIVER. For those who signed the report.

Mr. BUTLER. We will have to have 40 minutes on this side.

Mr. PADGETT. All right; and 40 minutes to the gentleman from Pennsylvania [Mr. BUTLER]. And will they then give me 10 minutes to close?

Mr. BURNETT. I would like to have 10 minutes. I want to offer an amendment.

Mr. KITCHIN. I suggest that we agree that the discussion on this paragraph end at 5 o'clock, and that the time be divided equally between the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Alabama [Mr. OLIVER].

Mr. PADGETT. No; the gentleman from Pennsylvania [Mr. BUTLER] wants some time.

Mr. KITCHIN. I mean on your side.

Mr. MANN. Why not give the gentleman from Pennsylvania 40 minutes and the gentleman from Alabama 40 minutes and take 10 minutes for yourself and 10 minutes for the gentleman from Alabama [Mr. BURNETT]?

Mr. PADGETT. That is all right.

Mr. BUTLER. Make the request.

Mr. PADGETT. Mr. Chairman, I make the request that in the discussion upon this paragraph of the bill that the gentleman from Pennsylvania [Mr. BUTLER] may control 40 minutes of the time for debate, the gentleman from Alabama [Mr. OLIVER] 40 minutes, the gentleman from Alabama [Mr. BURNETT] 10 minutes, and that I may have 10 minutes, and then that the debate upon the paragraph and all amendments thereto close.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all debate upon the pending paragraph and amendments thereto shall be closed at the end of 1 hour and 40 minutes, 40 minutes of that time to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], 40 minutes by the gentleman from Alabama [Mr. OLIVER], 10 minutes by the gentleman from Alabama [Mr. BURNETT], and 10 minutes by the gentleman from Tennessee [Mr. PADGETT]. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Chairman, I do not know that I shall use the time, but I may want 10 minutes.

Mr. MANN. Do like a lot of the rest of us do.

Mr. SEARS. Just get into it anyhow? [Laughter.]

Mr. MANN. No; do without. [Laughter.]

Mr. SEARS. I have been doing without pretty well during the session.

Mr. BUTLER. Well, I have served 20 years on this committee, and I have not used 7 minutes in this debate.

Mr. SEARS. The gentleman has been giving us very valuable information.

Mr. BUTLER. No; I have left that for others who are better informed.

Mr. SEARS. I do not know that I shall want to use the time, but—

Mr. MANN. If the gentleman does not know that he wants to use the time, let it go.

Mr. SEARS. What I have in mind may be covered by somebody who speaks.

Mr. BURNETT. The gentleman can extend his remarks on the west side of the Record. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. I will ask, Mr. Chairman, that the gentleman from Alabama [Mr. OLIVER] and the gentleman from Pennsylvania [Mr. BUTLER] use their time first, because I want to reserve my time to close.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized.

Mr. BUTLER. Mr. Chairman, I will yield 10 minutes to—

Mr. CALLAWAY. Mr. Chairman, I think I had 10 minutes before this unanimous-consent agreement discussion started.

The CHAIRMAN. The gentleman was taken off the floor by the discussion. The time has been limited. To whom does the gentleman from Pennsylvania yield?

Mr. BUTLER. I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for 10 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. HUMPHREY of Washington: Page 58, in line 16, strike out "eighteen" and insert "fifty."

Mr. HUMPHREY of Washington. Mr. Chairman, the purpose of this amendment is to increase the number of submarines from 18 to 50.

I am not going to enter into any discussion about the efficiency of submarines. That has been discussed a good portion of the day. What I want to call the attention of the committee to is that it seems to me to make appropriations for only 18 submarines is wholly inefficient. It is a well-known fact, that has been published in the newspapers, that a certain body that we are not permitted to call by name—one party of that body, at least—has already agreed in caucus that we should have a hundred submarines go into this bill. If that is the fact, that we ought to have a hundred in the bill, we at least ought to put 50 of them in the bill over here.

But what I want to call attention to now is the condition that exists on the Pacific coast. We never had a battleship squadron on the Pacific Ocean except once, for just a few days, and we probably will not have another any time soon. We might as well face the fact that whatever battleships we have are going to be kept on the Atlantic. As a man who lives on the Pacific coast, while I regret it, I realize that this is true. Every Secretary of the Navy since I have been a Member of Congress has stated to me that he would send the battleship squadron to the Pacific, and none of them has ever kept that promise. They are not going to keep it in the future. We might as well face the fact now that we shall have to have practically two battleship squadrons, two navies, or else abandon the Pacific coast entirely.

You talk about sending the battleship squadron through the Panama Canal in case of necessity, but if you take down your map and look you will find that that is impracticable. It is about 1,500 miles farther from Philadelphia through the Panama Canal to Puget Sound than it is from Yokohama to Puget Sound. It is almost exactly the same distance to a mile from Seattle to Panama that it is from Seattle to Yokohama. In other words, to put it in a different form, a battleship squadron would have to be through the Panama Canal out in the Pacific Ocean in order to be on equal terms going to Puget Sound as to distance with one starting from Japan. If they traveled at the same rate of speed, the one from the Panama Canal and the other from Japan, they would reach Puget Sound at the same time. If a battleship squadron started from Philadelphia and passed through the Panama Canal and up the Pacific coast to San Francisco it would get there from 10 days to 2 weeks after a squadron leaving Japan at the same time.

So, leaving out the question whether it is policy to have battleships going through the Panama Canal to the Pacific, taking all the chances, which we all realize are very great, even on the supposition that the canal could not be obstructed, they could not be used in time of emergency quickly enough to protect the Pacific coast; so that it seems to me, if we are going to make any preparation at all, unless we are willing to abandon the Pacific coast and leave it wholly unprotected, the cheapest and most effective way is to give us at least a limited number of submarines to be kept on that coast while the battleship squadron is to be kept on the Atlantic coast.

I do not know whether there are any submarines in the vicinity of San Francisco or not. There may possibly be. There are none, so far as I know, in the Puget Sound country; neither can Puget Sound be protected by mining. The water is too deep; the current is too swift. We are entirely unprotected, so far as naval vessels are concerned. You take all the naval vessels that are to-day on the Pacific coast, and they could offer practically no resistance against a single battleship. Our whole coast at this time could be ravished by a single first-class battleship. Our fortifications are not constructed so that they can defend themselves from a land attack, and in addition to that fact, so far as the Puget Sound is concerned—I do not know whether it is true with regard to San Francisco or not, but I believe it is—and I know that it is true in regard to Puget Sound—we do not have a first-class modern gun in any of our fortifications there; not one. There is not a gun in all the forts of Puget Sound that has a range exceeding something over 11,000 yards, as I recall.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. In a moment. I know, when I visited the fort and talked to the commander, talking to him about the range of the largest guns he had, he informed me that their range was about half that of the largest guns on a modern battleship. Or to put it in another way, I asked him the question, "According to your statement, a modern battleship can batter these fortifications to pieces without coming within 5 miles of the range of the best gun we have?" And he said, "That is true."

Now, we have no modern fortifications. We have no battleships, we have nothing, and I want to ask this committee if they think it is to the best interests of the country that in this emergency and in this hour, with the coast entirely unprotected,

that they should build only 18 submarines? We ought to have upon that coast at least 50 submarines, to give us some protection, because when we are attacked, if we should by our weakness invite attack, it is true that the Pacific coast will suffer first, but the rest of the country will suffer with us, and when that time comes, if unfortunately it ever should come, I have no doubt but what the Atlantic coast and the whole central portion of this country would rally to the support of the Pacific coast just as loyally as they would if an attack should be made upon the Atlantic; so that after all we are all equally interested in having some defense on the Pacific.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes. Please make it as brief as you can.

Mr. SLAYDEN. Why does the gentleman prefer submarines to battleships?

Mr. HUMPHREY of Washington. I would much prefer a battleship squadron, but I know we can not get it. I have lost all hope for that. As I said a moment ago, every Secretary of the Navy since I have been a Member of this House has promised me personally that he would send a battleship squadron to the Pacific, but not one of them has kept that promise, and none of them will.

Mr. SLAYDEN. If you were defending the coast of England just now, would you rather have battleships or submarines?

Mr. HUMPHREY of Washington. I think I would prefer battleships. While the submarines would furnish defense, I think if you should wipe out England's battleship squadron Germany would ravage the commerce of the world and would have England on her knees in 24 hours.

Mr. SLAYDEN. With her surface ships?

Mr. HUMPHREY of Washington. Yes; but the reason I am asking for submarines is because if I should ask for a battleship squadron I would be asking for something that I know we can not get, but when we ask for submarines, that the number of them be increased, so that we may have at least some defense, I think I am asking what appeals to the patriotic sentiment of the members of this committee.

Mr. KELLEY. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman—where is the chairman of the Naval Affairs Committee?

Mr. MANN. He does not want to use his time.

The CHAIRMAN (Mr. BAILEY). The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry. My understanding was that all of these amendments were to be pending during this discussion and that that was agreed to.

The CHAIRMAN. There was no such understanding as far as the present occupant of the chair knows. The question is on the amendment. Those who favor it will say aye, those opposed no. [The question was taken.] The ayes have it, and the amendment is agreed to.

Mr. OLIVER. I ask for tellers on that.

The CHAIRMAN. The gentleman from Alabama demands tellers.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

Mr. SLAYDEN. Let us have the parliamentary status.

Mr. GARDNER. Mr. Chairman, the amendment which I have sent to the desk has not yet been read.

Mr. SLAYDEN. What about the other amendment? What are we voting on?

The CHAIRMAN. On the question whether this vote shall be taken by tellers, on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. CALLAWAY. I ask that the amendment be reported.

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] demands tellers. [After counting.] Tellers are ordered and the Clerk will report the amendment—

Mr. MANN. That amendment can not be reported again except by unanimous consent.

Mr. McARTHUR. I object.

The CHAIRMAN. Objection is heard. The vote will be taken by tellers.

Mr. FOCHT. How can you do that when it has already been adopted? I object.

Mr. SAUNDERS. Mr. Chairman, a parliamentary inquiry. Was it not the understanding that the discussion was to proceed for an hour and forty minutes, and that these votes were to be taken at the conclusion of the discussion?

The CHAIRMAN. There was no such understanding so far as the Chair is aware.

Mr. KITCHIN. We have demanded tellers.

Mr. SAUNDERS. I certainly understood it that way myself.

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] and the gentleman from Washington [Mr. HUMPHREY] will take their places as tellers.

Mr. CRISP. Mr. Chairman, I ask unanimous consent that the amendment be read. Members of the House do not know what they are voting on.

Mr. SAUNDERS. It was certainly my understanding that the vote was to be taken at the conclusion of the debate.

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that the amendment be again reported. Is there objection? [After a pause.] The Chair hears none.

Mr. FOCHT. The question was taken on the amendment of the gentleman from Washington, and it has been adopted.

The Clerk read as follows:

Amendment by Mr. HUMPHREY of Washington—

Mr. HUMPHREY of Washington. Mr. Chairman, let us get straightened out on this amendment.

The CHAIRMAN. We will get it straightened out if the gentleman will please be seated for a moment.

Mr. HUMPHREY of Washington. Just wait. All this is by unanimous consent—

The CHAIRMAN. Oh, no. Tellers have been ordered, and by unanimous consent the Clerk will read the amendment.

Mr. PADGETT. Mr. Chairman, I understood that under the agreement there was to be an hour and forty minutes of debate, and then we were to take up the amendment.

Mr. SAUNDERS. That is the proposition that I propounded to the Chair a moment ago. That was my understanding of the situation.

Mr. MANN. There was no such agreement.

Mr. SAUNDERS. That was my definite understanding of the agreement.

Mr. MANN. There was no such agreement.

Mr. SAUNDERS. That was my understanding, or I would have objected if I had thought otherwise.

Mr. MANN. And I would have objected if any such request had been made.

The CHAIRMAN. Very well. That puts it up to the Chair. There was no such understanding, so far as the Chair is advised. The present occupant of the chair was not in the chair at the time. He was on the floor, however, and heard the discussion. He does not recall that there was any understanding or agreement in regard to that.

Mr. SAUNDERS. I understood there was an agreement.

Mr. PADGETT. I understood that the request submitted was that there would be so much debate—

The CHAIRMAN. That is true.

Mr. PADGETT. So much to be controlled by one gentleman and so much by another, and none of it was to be controlled by the gentleman from Washington [Mr. HUMPHREY].

Mr. PAGE of North Carolina resumed the chair.

The CHAIRMAN. The agreement reached by the committee was that the debate on the paragraph and amendments thereto should proceed for 1 hour and 40 minutes, 40 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], 40 minutes by the gentleman from Alabama [Mr. OLIVER], 10 minutes by the gentleman from Alabama [Mr. BURNETT], 10 minutes by the gentleman from Tennessee [Mr. PADGETT]. The gentleman from Pennsylvania, using 10 minutes of his time, yielded to the gentleman from Washington [Mr. HUMPHREY].

Mr. SAUNDERS. Now, Mr. Chairman, I wish to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS. My inquiry is if that does not carry with it necessarily that the debate should proceed uninterruptedly, and that at the conclusion the voting should take place? That was the understanding of the gentleman who propounded it.

The CHAIRMAN. The Chair will state that there was absolutely nothing said—

Mr. SAUNDERS. If the Chair will pardon me, I am asking the Chair to interpret the understanding—if that was not what it necessarily meant.

Mr. MANN. The gentleman from Virginia wants the Chair to read something into it that was not there.

The CHAIRMAN. The Chair is not called upon to make a ruling on that point. The Chair is informed that one amendment was offered and a vote was being taken upon it. If the present occupant had been in the chair he would not have permitted the vote.

Mr. MANN. If that is the case, Mr. Chairman, there will be no other agreements of this kind entered into in the House. Here was an agreement fixing the time for debate and apportioning the time between the Members. Nothing was said about when amendments should be offered, and there was no authority to offer a second amendment while the first was pending.

The CHAIRMAN. The Chair would hold that all amendments were to be offered and voted on after debate.

Mr. MANN. There could not be an amendment offered after the first except to perfect it.

The CHAIRMAN. The amendments could be offered for information.

Mr. MANN. Information; that is another thing.

Mr. SAUNDERS. Mr. Chairman, may I say a word to show that the interpretation of the gentleman is not correct. The gentleman from Tennessee expressly said that the limitation of time for debate should apply to the paragraph "and all amendments thereto." That necessarily carried with it the understanding that amendments could be offered during the progress of debate.

Mr. MANN. And voted upon as offered.

Mr. SAUNDERS. Otherwise there could be no amendment offered at all, since at the conclusion of the debate, we would be compelled to vote on the proposition itself, which would be the section. That would be the inevitable conclusion. If under that agreement you could offer one amendment, then you could offer two, or three, or more, all of them however to be voted upon after the debate was concluded.

Mr. MANN. If that is the conclusion of the parliamentary proposition, there will be no more agreements to limit debate.

Mr. SAUNDERS. Let that conclusion follow, if it is necessary to the proper interpretation of the pending agreement. I make the point of order that it was out of order to take the vote on the amendment, at the time it was taken.

Mr. GARNER. Mr. Chairman, may I suggest to the Chair that from my observation the custom has been, whatever the parliamentary ruling has been, that when you agreed upon a limit of time for debate concerning any paragraph and amendments thereto to offer the amendments for the information of the House and vote on them at the conclusion of the debate; and the reason for that is very good, it seems to me. For instance, if you are going to occupy your time in debate for an hour and a half, as in this instance, undoubtedly that time ought to be kept for debate and not consumed in the consideration of amendments. If you take an amendment, as has been offered in this case, calling for tellers, the result is that the hour and a half will be extended into three hours of general debate. Moreover, when you agree on a limit for debate, say an hour and a half, gentlemen have left the Hall knowing that for an hour and a half they will not be called upon for a vote. So that the reasons are twofold, the custom, whether good parliamentary law or not, and the fact that Members have left the Hall with the impression that there would be no vote.

Mr. MANN. The custom does not exist. I have had some little parliamentary experience in the House, and that is not the custom.

Mr. GARNER. I take issue with the gentleman. It is, from my observation and recollection.

Mr. MANN. It is not a custom of the House unless it is specially agreed upon.

The CHAIRMAN. Not wishing to trust my own memory alone, I have asked for the reporter's notes, and they show that 1 hour and 40 minutes was allowed for debate on the paragraph and amendments thereto. It was divided just as the Chair stated, 40 minutes to the gentleman from Pennsylvania [Mr. BUTLER], 40 minutes to the gentleman from Alabama [Mr. OLIVER], 10 minutes to the gentleman from Alabama [Mr. BURNETT], and 10 minutes to the gentleman from Tennessee [Mr. PADGETT], the debate then to close on the paragraph and all amendments thereto.

The Chair thinks and holds, having in mind the procedure of the past and what was in the mind of the Chairman, at any rate, and what he believes is good procedure, that during this time amendments were to be reported for information, and at the end of the time fixed for debate the vote should be taken on the amendments to the paragraph, and the Chair so holds.

Mr. MANN. I think, Mr. Chairman, the ruling of the Chair is erroneous. Of course, it gives an advantage to the majority side of the House. A lot of amendments are offered during general debate and no one knows what they are. The majority side can be absent during the consideration and come in at the end and vote down all amendments. It is not orderly procedure; it is not the custom of the House, but one that has rarely been agreed to, and then only by unanimous consent.

The CHAIRMAN. The gentleman has his remedy.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. While the present occupant of the chair was absent from the room the gentleman from Wash-

ington [Mr. HUMPHREY] moved to amend, increasing the number of submarines to be built from 18 to 50. After debate that motion was put by the then occupant of the chair, who announced, after calling for the ayes and noes, that the amendment proposed by the gentleman from Washington had been carried. The Chair then recognized the gentleman from Massachusetts [Mr. GARDNER], who presented another amendment, and started to discuss it. Then a point of order was made by the gentleman from Virginia. Is he not too late?

The CHAIRMAN. The Chair is informed that the then occupant of the Chair did not recognize the gentleman from Massachusetts [Mr. GARDNER] but that the gentleman from Massachusetts [Mr. GARDNER] took the floor, and the gentleman from Alabama [Mr. OLIVER] was really recognized by the Chair to demand tellers, and tellers were ordered.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. What will become of the proceedings that have been had? A vote was taken upon this amendment, and the then occupant of the Chair announced that the amendment was agreed to. That is a part of the Record made so far to-day, and I take it that a point of order will not change that record. There has to be a vote, I take it, to vitiate the proceedings where the vote was taken, before the point of order was made.

The CHAIRMAN. The point of order was not too late on that vote, the Chair will say to the gentleman, in the opinion of the Chair, and the Chair will say further to the gentleman that at the end of this general discussion, as agreed to by the committee, the vote will be taken upon the amendment of the gentleman from Washington, as upon all other amendments.

Mr. FOCHT. Mr. Chairman, a parliamentary inquiry. If the notes of the reporter show that the gentleman from Massachusetts [Mr. GARDNER] was recognized and that the amendment and all business pertaining to that had been finished, and the vote announced—

The CHAIRMAN. But the gentleman is supposing something that is not correct. The notes will not show that.

Mr. FOCHT. Let us hear them.

The CHAIRMAN. Without objection, the notes will be read to the House. The Reporter will read his notes, they not having yet been transcribed.

The Official Reporter read as follows:

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman. Where is the chairman of the Naval Affairs Committee?

Mr. MANN. He does not want to use his time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry. My understanding was that all of these amendments were to be pending during this discussion, and that that was agreed to.

The CHAIRMAN. There was no such understanding as far as the present occupant of the chair knows. The question is on the amendment. Those who favor it will say "aye"; those opposed "no."

The question was taken.

The ayes have it, and the amendment is agreed to.

Mr. OLIVER. I ask for tellers on that.

The CHAIRMAN. The gentleman from Alabama demands tellers.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

Mr. STAYDEN. Let us have the parliamentary status.

Mr. GARDNER. Mr. Chairman, the amendment which I have sent to the desk has not yet been read—

The CHAIRMAN. That is sufficient.

Mr. MANN. That is far enough. I think that is right.

The CHAIRMAN. The vote did not reach a conclusion. Therefore the point of order came in time, and the Chair sustains the point of order. The Chair recognizes the gentleman from Alabama [Mr. OLIVER].

Mr. BUTLER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. I shall now make my second attempt to yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. OLIVER. I yield to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] yields to the gentleman from Massachusetts 10 minutes, and the gentleman from Alabama is not now recognized.

Mr. GARDNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which will be reported for the information of the committee.

The Clerk read as follows:

Page 58, line 12, beginning with the word "three," strike out all down to and including the word "each," in line 18, and in lieu of the language stricken out insert the following:

"Four battleships, \$15,500,000 each; 2 battle cruisers, \$19,000,000 each; 4 scout cruisers, \$6,000,000 each; 20 destroyers, \$1,300,000 each; 1 destroyer tender, \$2,300,000; 1 submarine tender, \$1,900,000; 18

coast submarines, to have a surface displacement of about 800 tons, each \$1,300,000; 9 fleet submarines, \$1,850,000 each."

Mr. GARDNER. Mr. Chairman, that amendment, if adopted, will restore the program recommended last fall by the General Board of the Navy. This program was cut down by the Secretary of the Navy and by the Committee on Naval Affairs, on the ground that the building facilities of our yards, public and private, could not take care of a program so large as that contemplated by the General Board. If the amendment of the gentleman from Washington [Mr. HUMPHREY] is adopted, before I offer my amendment I shall change the proposed authorization of new 800-ton submarines from 18 to 50. I do not expect my amendment to be adopted, and I should not take up the time of the committee if I did not wish to say a word or two about this submarine question. The fact is that nobody knows whether submarines are good offensive weapons or not. We know this about the submarine, that there is a continual race going on between improvements in submarines and improvements of methods of defense against submarines. We know that it is a very long time since any submarines have managed to destroy any appreciable number of war vessels. We therefore must assume that there has been developed a satisfactory defense for war vessels against submarines. We do not know how many submarines are being destroyed.

We know that the *Deutschland*, which was due here some time ago, has disappeared. Most people believe that something has happened to the *Deutschland*, just as most people believe that a large number of German submarines have been captured or sunk; but, in reality, we know nothing about the matter. We do know this, however, that during this week the daily number of vessels sunk by submarines has been very large indeed. The greatest record for any single day this week was, I think, 22 vessels. If I recollect rightly, those 22 vessels which were sunk had a tonnage, all put together, of 33,000 and some-odd tons. Thirty-three thousand tons is just about two-thirds the tonnage of one single ship, the *Vaterland*. In other words, the total tonnage of all 22 vessels was only two-thirds of the tonnage of the *Vaterland* alone. So far as I have noticed in the newspapers, the largest vessel which has yet been sunk in the new submarine campaign is the *California*, of between eight and nine thousand tons. Is it not more than likely, Mr. Chairman, that extraordinary efforts are being made to protect the large cargo carriers, whereas the smaller ones must at the present time be left to shift for themselves in default of sufficient means to protect the entire merchant fleets of the world? I have read a number of statements to the effect that it is because the larger cargo carriers are armed that they escape destruction. Unquestionably that has an influence, but I have heard experts suggest that the larger ships are given escorts while they are within the danger zone. If so, Mr. Chairman, it looks as if a way is being found for the larger ships to avoid the submarine attacks, which have seemed so extraordinarily successful in the last few days.

If I am correct in supposing that the entente allies are protecting their larger vessels with destroyers, it is obvious that their next move will be to convoy large numbers of cargo carriers with large numbers of destroyers. I believe that this will prove to be the case. I have heard this prediction made by others. I do not know myself, but I think that it sounds probable. I am told that the periscopes of the largest submarines only project high enough above water to permit the observer to see a horizon 3 miles off. So if a cargo carrier is more than 3 miles off from a submarine, it can not successfully be attacked with a torpedo from a submerged vessel. As a matter of fact, most people believe that accurate torpedo range is not as much as 1 mile. If, therefore, a ship is outside accurate torpedo range, the submarine must come to the surface and shell the cargo carrier with its gun or guns. But, obviously, no submarine commander in his senses will bring his vulnerable ship to the surface for the purpose of shelling a vessel which not only is armed itself but is also convoyed by armed destroyers.

In spite of the fact that I do not believe that the submarine has altogether fulfilled the expectations of its admirers, nevertheless I am one of those who believe that it is absolutely necessary for our immediate defense to build great numbers of submarines at the present time. I by no means think that the battleships of Great Britain have lost control of the seas or that Germany's submarines have gained control. On the contrary, I know that Great Britain's fleet controls the seas, even though it may be shut up in some harbor. If it were not so, it would be Germany, not Great Britain, which would be receiving the world's wheat and the world's copper and the world's supplies in general. It would be Great Britain, not Germany, which would plead for the milkless babies. Every one of you know that if you post a letter addressed to London

it is delivered within two or three weeks. Every one of you know that if you post a letter addressed to Berlin it is not delivered at all. How could that be so if the submarine had wrested the control of the sea from the battleship?

If I had my choice, I would rather trust the protection of this country to battleships and destroyers than to submarines. But I have not my choice. We have not our choice. Battleships take four years to build. Submarines can be built in a hurry. Ultimately for our defense we must depend on a mighty fleet of battleships and battle cruisers. Temporarily we must build swarms of submarines while our battleships are under construction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. How much time has the gentleman consumed, Mr. Chairman?

The CHAIRMAN. Fifteen minutes.

Mr. BUTLER. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, we have just witnessed, it seems to me, a rather remarkable exhibition of partisanship in the House. The gentleman from North Carolina [Mr. PAGE] is in the chair as Chairman of the Committee of the Whole House on the state of the Union. He was temporarily out of the chair. The gentleman from Pennsylvania [Mr. BAILEY] was in the chair. Demand was made for a vote on an amendment. The gentleman from Alabama [Mr. BURNETT] rose and questioned as to whether that was the proper time to vote. The gentleman then in the chair held it was. The vote was taken. That vote was adverse to the majority side of the House represented by the gentleman who always occupied the chair. A demand for tellers was made, and at the time there were not enough Democrats on the floor of the House to get tellers. Then a point of order was made that we could not have the vote at all. It had already been ruled upon by the Chair, a vote had been taken, and then they hurried the gentleman not then occupying the chair back to the chair who reversed the ruling already made before and a vote had been taken; he reversed it after the vote was taken because the vote was adverse to the majority side of the House. I never have witnessed such a partisan decision or movement before in the House in my service.

Mr. OLIVER. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I regret the gentleman from Illinois [Mr. MANN] has taken such a partisan view of this matter, and no doubt he is very much exercised over what took place, because perhaps the Chair did not entirely agree with him. Now, the proposition which the gentleman from Illinois submitted was that it was the custom—or, rather, the question arose between the gentleman from Texas and the gentleman from Illinois as to what was the custom and rule under such a unanimous-consent agreement as we have had. I think the gentleman from Illinois was entirely mistaken as to the custom, and that the gentleman from Texas was entirely correct. It has been the custom ever since I have been here that under a unanimous agreement, such as we had, no vote is taken on an amendment until the debate is closed according to the agreement. It has taken place a dozen times in the discussion and the reading of this very bill that we are on now. We have had just such agreements for the last two or three days, and under all of them proceeded just as we contend we should proceed under the present one.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. KITCHIN. One second. When we make an agreement that the debate on the paragraph of a bill and amendments thereto shall close at a certain time, no vote is taken, and never has been taken, on an amendment until the debate has closed accordingly, and we have had a dozen instances during the consideration of the pending bill where it was not taken until after the debate was over.

Mr. STAFFORD. I recall distinctly that when the battleship proposition was under consideration at prior sessions the time was limited to consider it under the five-minute rule, and the agreement always embodied by unanimous consent that the vote was not to be taken until the debate was closed.

Mr. KITCHIN. I do not recall a single instance in which the custom has been any other than that which was contended for by the gentleman from Texas and that which I just stated. The gentleman from Illinois [Mr. MANN] makes the charge—which I know he really does not intend, and which in his cooler moments he will regret making—that the majority side here, seeing that they were defeated on the motion of the gentleman from Washington [Mr. HUMPHREYS], deliberately took the gentleman from Pennsylvania [Mr. BAILEY] out of the chair and put the gentleman who now occupies it in the chair for the ex-

press purpose of holding that the vote on the amendment was out of order. There was no such intention or effort on the part of anyone here. The fact is that the gentleman from Pennsylvania [Mr. BAILEY] was temporarily called to the chair. He was not in the chair when the agreement as to the time when debate on the paragraph and amendments should close was made, and declared from the chair that he knew nothing of such agreement. The present occupant, who has presided over the Committee of the Whole during the consideration of the bill, was in the chair when the agreement was made and knew what it was.

The gentleman from Pennsylvania [Mr. BAILEY] therefore desired the present occupant to return to the chair, because he—the present occupant—was in the chair when the agreement was made. It must be understood, too, that the gentleman from Illinois [Mr. MANN] is mistaken in stating that the point of order was made while Mr. BAILEY was in the chair against voting on the amendment.

Mr. MANN. I did not make the statement. The trouble with the gentleman from North Carolina [Mr. KITCHIN] is he is not entirely accurate himself. I said the question was raised by the gentleman from Alabama [Mr. BURNETT].

Mr. KITCHIN. And the Chair ruled against him, you said.

Mr. MANN. We just had that read to us.

Mr. KITCHIN. But the gentleman from Alabama [Mr. BURNETT] simply asked if that was not the agreement awhile ago, and Mr. BAILEY said he did not know anything about the agreement and then put the question.

Mr. MANN. He said he was on the floor at the time.

Mr. KITCHIN. The notes, I think, just read sustain what I stated. However, while Mr. BAILEY was in the chair the question was raised, tellers were demanded, and the Chair declared them ordered, division having been asked.

Mr. MANN. Division was not asked for.

Mr. CRISP. Mr. BAILEY said that a sufficient number rose for tellers.

Mr. KITCHIN. Yes. He said that a sufficient number rose for tellers and declared tellers were ordered.

Mr. MANN. They came in.

Mr. KITCHIN. Now, the present occupant went to the chair and simply held that since the amendment had not been disposed of—that it was in the process of being voted on—the point of order did not come too late.

But what I rose to say was that I do not think the gentleman from Illinois really intended to reflect upon the present occupant of the chair, or really intended to reflect upon the membership on this side, in making the charge that we deliberately did that to overrule the viva voce vote; that is, to defeat the amendment of the gentleman from Washington. I hope he did not. We wanted it voted on at the proper time and in the proper way.

Mr. MANN. I repeat it. I am not excited about it.

Mr. KITCHIN. If you do, it is unworthy of you. [Applause on the Democratic side.] We thought, as is often done in this House, in the heat of debate, by myself and the gentleman from Illinois, and all of us at times, that the gentleman made the charge in the excitement of the moment, which he would not have made in a cooler time. I want to say that there was no intention on my part or on the part of gentlemen on this side such as the gentleman from Illinois imputes to us.

The CHAIRMAN (Mr. PAGE of North Carolina). The occupant of the chair would ask unanimous consent of one of the gentlemen who controls the time to yield to him two minutes. The Chair desires to make a statement. The present occupant of the chair, after asking the gentleman from Pennsylvania to relieve him for a few moments, was standing in the back lobby talking to some newspaper correspondents who had asked to see him. A message came to him to the effect that there was a misunderstanding on the floor of the House. When he resumed the chair he did not know what the contention was about or what had taken place. He did not know the vote, what the amendment was, or what the vote which had been taken viva voce had resulted in, or what the gentleman who occupied the chair had declared it to be. The present occupant took up the situation on resuming the chair just as he found it, without any idea of what had taken place, and without the slightest idea of whether that side or the other side had won in the vote on the amendment. I felt that the Chair was entitled to make that statement for himself. He decided it upon the record as taken by the Official Reporter of the House as to what the agreement was.

Mr. OLIVER. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, I wish to contribute a brief statement of the facts of this situation. I think that I

have some knowledge of parliamentary law, at least I have had a good deal of experience in other parliamentary bodies as well as in this. These agreements are often made and I believe I understand their meaning as well as the average Member of this House.

It is true that there were hardly any Democrats on this side at the time this vote was being taken. How did that come to pass? I can state how it came to pass so far as many other Democrats as well as myself were concerned. We had figured out the time at which the vote would be taken on the amendments and on the section, which would have been about 10 minutes to 5 o'clock, and a number of us had made ready to leave the House, indeed were leaving to go to our offices, under the belief that no vote would be had until the time arrived that had been fixed upon. I had gotten my hat and coat and, was in the very act of going out of the Chamber, with the clear understanding on my part, from such knowledge of parliamentary law as I possess, that under the agreement the vote would not be taken on any of the amendments until the debate was concluded.

When this question came up, things developed very rapidly. I was one of the Members who asked for a ruling from the Chair, in fact propounded a parliamentary inquiry. The gentleman from Pennsylvania [Mr. BAILEY] did not decide any point of order. He said that so far as he, the then occupant of the chair was concerned, he was not advised of the terms of the agreement, or words to that effect. Then after some further contributions to the situation by the Members, the permanent Chairman of the Committee of the Whole [Mr. PAGE] arrived. From that time forward he has correctly given the facts. Whatever was done toward taking a vote, was certainly done under a misapprehension.

Mr. DOWELL. Mr. Chairman, will the gentleman yield there for a question?

Mr. SAUNDERS. Yes.

Mr. DOWELL. Is it not a fact that no point of order was raised until the amendment was submitted?

Mr. SAUNDERS. That does not alter the question at all. Things proceeded so rapidly, and unexpectedly that the Members who wanted to raise the question of order did not have the opportunity to get in any sooner than they did. It has always been my experience in the House that when a Member is seeking to avail himself of his rights as rapidly as may be under the circumstances, the Speaker is not disposed to rule him out.

Mr. DOWELL. But the fact, nevertheless, is that the question was not raised.

Mr. SAUNDERS. The gentleman is not familiar with the practice of the House.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BURNETT. Mr. Chairman, I sent up an amendment.

Mr. BUTLER. Mr. Chairman, will the Chair recognize me?

The CHAIRMAN. Of course the Chair will recognize the gentleman from Pennsylvania.

Mr. BUTLER. The gentleman from Illinois [Mr. MANN] desires two minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. MANN. The gentleman from Virginia [Mr. SAUNDERS] just stated that the chairman of the committee, Mr. BAILEY, of Pennsylvania, did not decide the question. He did. The question submitted to the Chair was whether it was in order to take a vote at the time, and the Chair not only decided it but put the question to the House, which in itself was a decision if he had said nothing further.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. MANN. No.

Mr. SAUNDERS. I just wanted to ask who made that point of order and then referred to the minutes to see what took place?

Mr. MANN. The RECORD itself will show what took place if nobody changes it, and I shall not. The question was put at the time to the Chair, and he said he had no knowledge of any agreement to postpone the voting. But he put the question. That was a decision of the parliamentary inquiry, if it was a parliamentary inquiry. It was a decision of order. Afterwards the vote was taken, and then the present occupant of the chair was called to the chair and reversed the decision made by the man occupying the chair when he had the right to make a decision.

I have nothing to retract from what I said before about it.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Alabama [Mr. BURNETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURNETT: Page 58, lines 12 and 13, after the word "amount" in line 12, strike out "three battleships, \$15,500,000 each" and insert in lieu thereof the following: "One battleship, \$15,500,000, and 30 coast submarines, \$1,300,000 each."

Mr. BURNETT. Mr. Chairman, I do not want to be unreasonable in my views in regard to this battleship program. I know I have been regarded and characterized as one of the "small-Navy men." I believe in an adequate Navy, and I believe in it now more than I ever have before, but every time we build an immense dreadnaught we are making an inadequate Navy instead of an adequate one.

Developments within the last two years indicate the incompetency and incompetency of battleships for action on the surface of the seas.

I believe we need more submarines, because developments have shown that they are active and effective instruments in the warfare now going on between nations that are far in advance of us in improvements along that line. I believe we are lacking in aircraft. But that is a question that I have studied but little, and hence I know almost nothing about it. I believe that in three particulars—in improved and increased aircraft and in improved and increased submarines and destroyers—we are deficient, and that we need appropriations for these instruments of warfare.

But, Mr. Chairman, we are spending the people's money for immense dreadnaughts that are almost useless. I believe that our brethren on the other side of the aisle are just as patriotic as we are, and I hope that they and we will look at this matter as a cold business proposition. It is a trust fund that we are administering. Suppose a guardian that had intrusted to him thousands of dollars of his ward's money should spend that money in a profligate and unbusinesslike manner. He would be regarded as a criminal. You gentlemen on the other side are just as much guardians of the people's money as we are. It is just as much a fiduciary capacity that you occupy toward the people as that which the Members on this side occupy. Hence, it is equally the duty of Republicans and Democrats to guard jealously the money of the people that is intrusted to our care.

Then, if we all agree to the proposition that it is a misapplication of money to continue to build these immense surface crafts while we are suffering for the undersea craft, it is an expenditure of trust funds that is not warranted and ought not to be made. [Applause.]

Mr. Chairman, I do not wonder that gentlemen who are in the localities of great navy yards look at these expenditures as they do. It is no imputation against their integrity, either, since a man is to a great degree a creature of environment, and these gentlemen have lived in that naval atmosphere until they have actually absorbed it and have been imbued with the idea that this country is absolutely dependent on battleships. They are honest in it, but those of us who are not subject to that monomania ought not to catch the hysteria that big business has been trying to spread all over the country, a hysteria that those who are financially interested have labored to bring about artificially by means of the great metropolitan press. We ought to look at these matters in the light of common sense and reason. We ought not to spend the people's money on an ignis fatuus. We talk about battleships. What are they doing now in the war? How many of these submarines have they destroyed? The gentleman who has just spoken says many of them have been captured, and he understands it is because aeroplanes have sighted and pointed them out, but nobody knows how many, and certainly, Mr. Chairman, every time they have destroyed one submarine they have sowed the dragon's teeth and a dozen more have sprung up for the effective work which they are doing. What do we need? Is it big ships which by their exposure make the Navy more inadequate than the one we have now? It was shown by the gentleman from Texas [Mr. CALLAWAY], who spoke this morning, that on many occasions submarines have destroyed battleships of the largest kind. Submarines are constantly being improved, constantly growing larger and more efficient, and why waste our money for more ships, why have more naval boards, for the purpose of having men swinging on swivel chairs, wearing epaulets, and encouraging armor-plate manufacturers to go all over the country making people believe that we are in the midst of a war. Oh, but some gentleman said this morning the people demand it.

Let us be leaders of men and not followers of the multitude to do wrong. Let us show the people that we are right, and we can go to them, and they will stand by us. I believe that with the American people, whenever the right is pointed out, right makes might with them. They do not want to be swept off their feet, and yet we here are responsible to a great extent for the very hysteria that is abroad all over the country.

If we are convinced by reason and common sense that we need better preparedness so far as aircraft, submarines, and destroyers are concerned—and I concede that—are we going to fritter away \$28,000,000 on each of the three immense battleships when we need these other things worse? It seems to me, Mr. Chairman, that our Naval Affairs Committee has allowed itself, at least so far as the leaders of the committee are concerned, to be swept off its feet by those who want to keep up the gorgeous paraphernalia, the fanfaronade, the show and tinsel and glitter of warfare, but who do not want to go, as the Scripture says, down to the sea in boats themselves. They want to remain on the surface, and a great many of them want to be on the surface here in Washington and nowhere else. I understand from the chairman of the committee that this bill carries an appropriation of \$54,000,000 over the one of last year that many of us believed then to be an outrage upon the people, and yet I learn that the bill reported by the Military Affairs Committee is \$20,000,000 less than the one we passed last year. Does not that show that this bill is unjust and excessive. If we do not need those immense increases for the Army, is it not an absurdity and monstrous for us to spend \$54,000,000 more on the Navy than we did last year, and \$28,000,000 on each of three battleships? Let us be men and not sycophantic trucklers to public opinion and to those in power. [Applause.]

Send a few of the barnacles around the ship of state out in the submarines and the destroyers and see whether their thirst for gore is not appeased.

A few years ago the entire naval appropriation bill was less than \$100,000,000, while this bill carries nearly \$400,000,000, and the Lord only knows what it will carry when it gets back from the other end of the Capitol. Of course, some gentlemen will make a feint at opposition to these big additions, but they will soon surrender to the Navy Board.

Of course, some of the feather-leg brigade will throw up their hands in holy horror, but they will soon bow their necks and help pile up the burdens of taxation that their outraged people will have to bear.

Think of it, gentlemen from the South, every one of these three useless battleships that this bill is providing for will cost 300,000 bales of cotton to construct it and then 13,000 bales per year to maintain it after it is built.

Think of it, gentlemen from the West, you are throwing away 17,000,000 bushels of your farmers' wheat every time you construct one of these dreadnaughts, and then 650,000 bushels more each year to maintain it.

Where are you going to get crews to man all these big ships? You can not get them to enlist voluntarily, and you gentlemen who are to-day sponsors for all the battleships when they are completed are sure to be called on to vote for compulsory enlistment to man them. We are drifting right in that direction. You declare now that you will not stand for it, but when the Navy Board orders you to do so, you will complacently obey. They will then implore you by the shades of John Paul Jones, "Don't give up the ship," and you will vote amen, and your farmer-boy constituent will be dragged from his home to do the fighting while you stay here to make laws to take him from his weeping mother's arms.

We have listened to the heralds of war on this floor till we can almost hear the call to arms, see embattled legions in the death grapple, hear the booming cannon and the roar of musketry, see the ocean red with the blood of heroes, hear the groans of the dying, see litters bearing the dead from fields of gory glory, catch the last bloodcurdling shrieks of human victims offered up on the altar of the god of war.

Gentlemen, let us turn our thoughts from bloodcurdling stories of war and try to be fairer to our constituents at home.

Let him whose voice is raised for war go join the army of the nation that he loves better than America, whether that nation be German or British. It will be happy riddance to those who would like to have a surcease of battle on this floor. Let him who thinks all peace lovers are cowards show his own brave heart by casting his fortunes with men who dare to do and die, or else forever let him hold his peace.

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, you appropriated for four capital ships five months ago, which are still uncontracted for, and if the bill now reported by the committee is passed you will have four additional capital ships to construct after this Congress adjourns. Some of the members of the committee felt that there were important facts which should be presented to the Members of this House, believing that you would give to such facts a careful and businesslike consideration, because those facts are not opposed to the authorized program which you passed about five months ago, but

point out a speedier and more economical construction of such program. I will ask that the two amendments sent to the desk be now read.

The CHAIRMAN. The Clerk will read the amendments offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment by Mr. OLIVER: Page 58, line 13, after the word "each," insert: "But contracts for the construction of battleships shall not be let until the construction of the battle cruisers heretofore appropriated for shall be first provided for."

Mr. PADGETT. I reserve a point of order on that.

The CHAIRMAN. The gentleman reserves a point of order on the amendment.

The Clerk read as follows:

Second amendment by Mr. OLIVER: After the word "practicable" insert:

"Provided, That in any contract made and entered into for the construction of any vessel herein appropriated for the period of final completion shall not be extended beyond 38 months."

Mr. MANN. A parliamentary inquiry. Is this amendment being offered now?

Mr. OLIVER. Simply read for the information of the committee in my time.

The CHAIRMAN. It is read for information.

Mr. PADGETT. I reserve a point of order.

Mr. MANN. The gentleman can not reserve a point of order now.

The CHAIRMAN. The gentleman will have his opportunity to reserve his point of order when the amendment is formally offered.

Mr. OLIVER. The prime purpose of one of these amendments is to insure the rapid construction and completion of that type of capital ship, namely, the battle cruiser, which all of the naval experts have stated to the committee is now most imperatively needed in the fleet. I might refer you to the speech made by the chairman of the committee about five months ago in which he undertook to summarize the opinions of our naval officers on this subject, and so convinced was he that he advised the construction of five battle cruisers and recommended the postponement of additional battleships until the immediate and early construction of these cruisers were assured. It is passing strange that he has so quickly changed his attitude on this subject, although the opinions of naval officers in reference to this subject remain the same. You can not hasten the building of battle cruisers so long as you feed shipbuilders with new and large offers for battleship construction. The profits are much larger on the battleships.

The second amendment is intended to secure the construction of those capital ships within the time that we were told by the shipbuilders they could easily be completed in, 38 months having been the maximum time limit fixed by them in letters to the committee. Now, I am not unmindful of the fact that there have been many statements made to the effect that the reason why the shipbuilders now demand from 48 to 52 months to build these ships is because the shipbuilding labor in this country is limited and is now being worked to its full capacity. I want to call your attention in this connection to some facts written by these same shipbuilders into our hearings. Before these ships were appropriated for they stated, and you will find it in the hearings, that they could construct any number of capital ships, far more than you have authorized or will authorize, within 38 months, and yet they said, "Our plants now are busier than ever before and are now being worked to their full limit." The same conditions prevailed then that prevail now as to congestion of business and as to the limitations upon the shipbuilding labor available for the construction of ships.

After ships were authorized and appropriated for, we heard for the first time that it would require from 48 to 52 months to build them. Shipbuilders were speaking at one time for an authorization, and after this purpose was accomplished they were speaking for terms promising the largest profits and a supply of work for probable dull times in the long future.

Some reference has been made to the fact that one of the shipbuilding companies, namely, the Fore River, of Quincy, Mass., stated that they had lost much of their labor during the past year. They said they had 5,000 men last spring, and in July afterwards only 3,000, and now 4,000. That same company stated that they were now rapidly increasing their expert labor, and in less than a year they would have 6,500 men on their rolls. The gentleman from Massachusetts [Mr. TAGUE], who lives near the plant of the Fore River Shipbuilding Co., stated to the committee the other day, last Saturday, I think, that he understood this company had probably sent some of their expert labor into Canada, where the same company had business activities. Now, there happens to be another shipbuild-

ing company, owned and controlled by the Bethlehem Steel Corporation, just as the Fore River Shipbuilding Co. is, and that other company is out on the Pacific coast. This Pacific company, so the gentleman from California [Mr. NOLAN] tells us, instead of having fewer men now than they had last year, when the committee was assured by the Bethlehem Co. that these ships could be constructed within 38 months, have more than double the number of skilled artisans in this trade than they had last year. He further said that this Pacific subsidiary company had at this time from \$85,000,000 to \$100,000,000 worth of private work and more than 10,000 laborers, although last year they had less than 5,000 laborers. Now, I want to say that if you will examine the facts submitted to our committee and to this House, you will find that this claim of shipbuilding companies that because of scarcity of labor they are unable to promise construction within the limit of time previously fixed by them is unwarranted. They simply want long time on present high-price basis and the right to finish that work at leisure. Private work is now abundant and very profitable, and such contracts require comparatively short time for completion; so they argue we will employ our men on these and hold onto Government contracts, secured at high prices, for the dull days to come. You had in January, 1916, 20,000 men in Government navy yards, and on January 1, 1917, and now you have more than 25,000 men in these same yards.

You were told by the shipbuilding companies and by some who have sought to make it appear that the navy yards are not fair to their employees that Government yards have been losing employees because you were not paying as much as private shipyards were paying. And yet, when you examine the solemn facts, you find that in 12 months you have increased the employees at Government navy yards from 20,000 to more than 25,000. We also know from the statement of Mr. Nolan that the Union Iron Works Co., owned by the Bethlehem Steel Co., have increased in the last year their number of employees by more than 5,000. If these are the facts, who on this floor can justify giving more than 38 months to private shipbuilding companies to construct these capital ships? And yet unless you fix this limit of time you impliedly authorize 48 months to be given for completion.

It so happens that one ship that you ordered last year of the scout-cruiser type was contracted for within the limit of your appropriation and likewise within the time limit. The Seattle Construction & Dry Dock Co. contracted to build one of the scout cruisers, with heavy penalty for failure, in 30 months, and for less than the \$5,000,000 appropriated therefor. Yet these other shipbuilding companies are now demanding 42 months' time on the same vessels and \$6,000,000 as the price therefor. Are you willing to let the contracts to them on such terms?

It happened that when the shipbuilding companies in the East ascertained that you were willing to pay a certain flat sum for construction of a capital ship in 38 months and 20 per cent additional for speedier construction, as provided in your bill of last August, these same companies, instead of offering to build them earlier than 38 months, said: "We will demand not only the full flat price plus the 20 per cent for earlier construction, but will insist on an additional time limit of from 10 to 14 months for construction." I wonder if the Members of this House, acquainted now with the facts—and I defy the chairman or any member of the committee to deny their correctness—realize that you propose in this bill to appropriate for four additional capital ships, when you know that in doing so you are thereby impliedly saying to the Secretary of the Navy, "You are authorized to pay these abnormal prices and give this extension of time to the private shipbuilding companies."

The minority, feeling that you would like to be informed of the true facts, have undertaken to do so in their short report, and to suggest remedies to prevent this unwise and unjust expenditure of public funds, and I challenge any member of the committee to deny the correctness of any facts therein stated.

The chairman of the committee the other day said he could not understand why anyone should even ask for the postponement of the authorization of capital ships since five months ago we made solemn contracts with the people of the Nation that we would build within three years the program authorized in August last. I say to him that when you named the number of ships, you likewise coupled with it a promise to build them in a sane and reasonable way, both as to time and amount; and the facts before the committee, showing how this could be accomplished, were no doubt alluded to by the chairman of the committee, as well as others who discussed in public the large program. No doubt the people were told that this number of capital ships would be added within 38 months, and if shipbuilders accepted the 20 per cent bonus, they would be

finally completed sooner. How now do you propose to keep the faith? Let 48 and 52 months answer? Then, in reference to the scout cruisers, you doubtless said they will be finally completed certainly in 32 months, and one has actually been already let for completion in 30 months. If the bonus of 20 per cent is earned, they will be completed sooner.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. SMITH of Michigan. What is the gentleman's remedy provided they will not enter into a contract?

Mr. OLIVER. The minority report discusses that fully and I will allude to it later. When the Secretary of the Navy recognized that he was being held up, he asked for an appropriation to fit up the Government navy yards. The minority report shows that these Government yards can be equipped as quickly as the private yards to construct the battle cruisers. We suggest that as one method to insure competition in the letting of this large program. We further suggest that to delay the building of the battleships, herein asked to be appropriated for, in addition to those appropriated for last year and not yet contracted for, you will find that some of the shipbuilding companies rather than have all your cruisers built in Government yards will make offers within the limits that they appeared anxious to get them for before the authorization was made last August. Stop feeding shipbuilders with battleship contracts, if you want your battle cruiser built. Remember that many naval officers have strongly recommended that all energies should be concentrated on the battle cruisers and scout cruisers, even though it postpone for the time being the further building of battleships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, how much time did the gentleman consume?

The CHAIRMAN. The gentleman from Alabama has 18 minutes remaining.

Mr. BUTLER. I will yield to the gentleman from Iowa five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I very much regret that, at the point when we have reached the most important portion of the bill, so much of our time should be devoted to a discussion of matters that have nothing to do with it. With reference to this controversy which has unfortunately arisen, I have nothing to say but this, that although I have not been in this House long I know the distinguished gentleman who at present occupies the chair sufficiently so that when he makes a statement with reference to his own personal action it will be absolutely accepted by me. [Applause.]

Mr. Chairman, several days ago when we entered upon the discussion of this bill for the first time, it was suggested by some gentlemen upon the floor, for whose opinion I have high regard, that it should be voted upon at once, and without further discussion. I think that would have been a mistake, and I think it is a greater mistake that we have not more time now to devote to the discussion of the particular items under consideration, as to which I believe the House is insufficiently informed. Mr. Chairman, this portion of the bill provides among other things for the construction of three battleships at a cost, exclusive of armor and armament, of fifteen and one-half million dollars each. The total amount of the new construction program is \$174,000,000. The additional cost of armor and armament upon each of these battleships will be something over \$8,000,000, making their total cost over \$24,000,000 each. We are in reality authorizing a program of something over \$250,000,000 if we include the cost of armor and armament which will have to be put upon these ships. If I am correctly informed, and I think I am, the largest amount ever authorized in time of peace by the greatest naval power upon earth—England—for new construction was \$38,000,000. By this bill we are authorizing five times that amount, and in what manner do we propose to expend it? When the amendment was offered by the gentleman from Washington [Mr. HUMPHREY] for the construction of more submarines, and another amendment in the same direction by the gentleman from Alabama, the gentleman from Massachusetts [Mr. GARDNER] rose in his place and stated that we did not know anything about submarines; did not know what they could accomplish; and did not know what they were worth. It is true that we do not know the limits of the power of the submarines, nor their exact value; but if they are not of value for the defense of our harbors or the defense of any harbor, then all of the naval experts of the world have been badly mistaken. What do we know about these immense leviathans we are going to construct by this bill? It is contemplated that we shall build ships of 42,000 tons displacement.

The largest we have ever built before have been of 32,000 tons. No naval power in the world has ever constructed such mammoth vessels. They are to be driven, as we understand, by what is called the electric drive. I have no opinion as to the value of the electric drive, or that it is practicable, and if I had one every Member in the House would say it was not worth anything, and he would be right about it, but there are a large number of engineers who do know about this matter, and, as I understand it, the majority of the engineers say that this drive will not be practicable, and that it will not make for ships of the greatest defensive power and value. In order to put it in these ships they will have to put half the boilers or more above the protected deck. It will increase in the battle cruisers the cost by \$1,300,000 and the tonnage by 1,000 tons. In the battleships it will increase the cost about \$300,000, and increase the tonnage something like 200 tons. No effort has been made to submit this question to anyone, as I understand it, except to some of our naval experts, for experts they doubtless are, in our own departments, who have favored this kind of construction. It has been put in one comparatively small ship, the collier *Jupiter*, a vessel of about 7,000 tons.

Mr. Chairman, not only is this electric drive an experiment but these monster vessels are an experiment. I do not object to the experiment being made with one ship, although if we build only one and it proved a failure we would lose nearly \$30,000,000. As it is, we are proposing to risk about \$100,000,000 in an untried field into which no other naval power in the world has ventured. Common sense would seem to dictate that it was dangerous to put so many eggs into one basket—to put so many millions into one vessel which a single torpedo, discharged from a submarine far enough away so that its periscope could not be seen, would send one of these vessels and costly fortresses to the bottom of the ocean. And what a target these immense structures will provide for torpedo craft. What a fine mark they will make for the aviator upon which to drop his bombs. We are to contract for them also when material and labor is so high that their cost will exceed by one-third the expense in normal times. We can not hope to have them ready for action in less than four or five years. It will take one year simply to build the ways on which to construct them, and by the time they are constructed the danger will be passed. I am in favor of the motion of the gentleman from Washington [Mr. HUMPHREY] to construct 50 submarines instead of 18, and if this was done I would be willing at the same time to cut down the number of battleships to one. Submarines can be constructed in six months. The battle cruisers, however, should not be reduced nor the scout cruisers. The battle cruisers have made the armored cruisers obsolete, and we will be fortunate if by the time we get the battle cruisers constructed they are not also obsolete.

Mr. BURNETT. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish to add just a similar statement to that of the gentleman from Alabama in his three-minute talk. Three years ago I became interested in the question of the effectiveness of the submarine. I read with care a long letter from Sir Percy Scott, considered the greatest naval expert of England, in which he stated at that time that any port properly guarded by submarines would be free from attack by the battleships of an enemy. Recently I read this article referred to by another gentleman, written by Mr. Lake, one of the original builders of submarines, and he states that he can build a submarine that will carry 5,000 tons of dead-weight which on the sea will be an efficient weapon of offense against the biggest battleship that might be built. I feel as sure as that to-morrow morning's sun will rise that in 10 years from today the submarines of the navies of the world will not be simply a match but an overmatch for the battleships. [Applause.] I know that to-morrow if we authorize four battleships in this bill there is no possibility of having one of them completed in less than four years, and if we need a battleship, if we need any kind of ship for our defense, we are going to need it in the entanglements that will arise out of the present war. Submarines may be built in time for our emergency, but battleships can not be. [Applause.]

Now, there is not a man in this Hall who will deny that we will either need our warships inside of 3 years or not within 25 years. We can not get one of these big battleships we propose to order now inside of 3 years, and any one of them will be junk inside of 25 years. Why not, then, spend all the money we do spend for vessels we may have some reasonable hope of getting inside of 3 years. Yes; inside of 1 year, for in my opinion we will need them within 1 year, if ever. Mr. Chairman, the submarine is not an evolution; it is a revolution in naval warfare. Two things are coming to the front—

the submarine and the explosive shell—and they are being used together. A shell can be thrown from a submarine that contains enough explosive to crush like an eggshell the thickest armor plate. It has been done, not once but many times. We are still spending millions for the old armor-piercing shells that will not be used at all in a few years. Leige and Namur were destroyed by explosive shells. The English battleships were sunk at the Dardanelles by explosive shells. Why not learn something from what has happened and is happening? German battleships have been bottled up for nearly three years and will remain so for three years more if the war lasts. What use are they? English battleships are not so thoroughly bottled up, but they would be if she had only one base of supplies and one outlet. Her battleships only get out when the coast is clear of submarines. She would do as well with half her battleships in the present war. If all of Germany's Navy and half of England's were to engage and sink each other, their naval warfare would stand just where it does now. If Germany had no battleships, her naval war condition would be just what it is now. Situated as she is, England can seize without sinking the merchant ships of her enemy, if they had any. If England and America had war to-morrow, each could prey upon the merchant ships of the other, and that is all they could or would do. Neither could invade the other. It would be the same as between us and Germany. Why, then, are we goaded into authorizing now a hundred millions more of big battleships and urged to make contracts for them now, when prices are sky-high? Back of all this hurry and flurry there are millions of profits. If the country could see the conditions as they actually are, they would order us simply to speed up the building of the battleships already authorized, and which may be completed in three years, and put all the rest of the money we spend into submarines, aeroplanes, and other vessels that can be completed in less time and that can be used with telling effect if we get into war. We should not authorize a single twenty or twenty-eight million-dollar ship that can only be contracted for now and not completed in four years.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER. Mr. Chairman, further replying to the question asked by the gentleman from Pennsylvania [Mr. MILLER] some minutes since—and I know he is deeply interested in this subject, because I read with pleasure a speech he inserted in the RECORD yesterday calling attention to the large sums of money recently appropriated for the construction of battleships—I desire to say this: The Naval Committee will submit for your consideration an amendment to this bill empowering the President to commandeer private shipbuilding yards and other supply plants, if in his judgment an emergency arises making necessary the speedy construction of these ships already appropriated for and not yet contracted for, as well as any other ships heretofore authorized. The committee proposes to place at the disposal of the President, in the event such an emergency should arise, a large fund to insure the speedy construction of the authorized program and such additional naval small craft as he may deem necessary and urgent. If you adopt this amendment to be proposed by the committee you would place it in the power of the President to use all private shipbuilding yards exclusively for the construction of Government ships, and when the energies of these yards are devoted to this one end you can construct capital ships in from 24 to 30 months, just one-half the time demanded by these private companies from the Secretary of the Navy now. These facts are alluded to in the minority report. If this authority is to be conferred on the President in times of emergency, why, then, now make large appropriations for additional capital ships and thereby impliedly direct the Secretary of the Navy to give long time to shipbuilders at exorbitant prices? The gentleman from Texas [Mr. HARDY] well stated that if we now need capital ships we need them speedily, not four years from now, and the expert testimony of private shipbuilders, like the Bethlehem Co., shows that these capital ships can be constructed in large numbers within 24 months. The gentleman from Pennsylvania [Mr. BUTLER] elicited this information from the presidents of these companies in the hearings before our committee.

Now, these same companies further say that to-day the cost of these ships is from 33½ to 50 per cent in excess of what it will be when the European war ends. In other words, that just as soon as peace is restored there will be a horizontal drop in the cost of battleships from 33 to 50 per cent? Is there any reason, then, for us to appropriate these large sums of money to be expended, probably the largest part of it, after the war ends and there is a reasonable, if not strong, probability that it may end within the next 12 months? Why unwisely spend a large sum of money out of the National Treasury when you

know that from private shipbuilders you can not secure a contract to add a single capital ship to your Navy for four years? If an emergency arises making immediate construction necessary, the President can be clothed with power to accomplish this end. Why add to the seven ships now uncontracted for seven additional ships of the same type, and thereby, to use a common expression, "bull your own market"? The probabilities are that if you will exercise a little good judgment now, you will save money and time in the completion of the building program authorized last August.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. OLIVER. I will.

Mr. MILLER of Delaware. May I interrupt the gentleman, because I am interested in his remarks? The gentleman stated that this emergency legislation was favorably agreed to by the whole Naval Committee.

Mr. OLIVER. And a rule making it in order will be submitted later.

Mr. MILLER of Delaware. That is the bill, H. R. 20779, which the gentleman from Tennessee introduced?

Mr. OLIVER. Yes.

Mr. MILLER of Delaware. If that should be adopted, and I favor it as emergency legislation, would it enable us to get ships cheaper than under the building program?

Mr. OLIVER. I am not prepared to say you would get them cheaper, but unquestionably it will enable you to get them sooner, and I think all will agree that if 24 months in the construction of capital ships can be saved it would be a very satisfying economy, and for that reason the minority report claims that if its suggestions are followed you will probably save both money and time. Let me briefly allude to a statement recently made by some gentlemen in reference to the rapid development in battleship construction. Do you know that five months ago you appropriated a large sum of money to build a battleship of 32,000 tons displacement, and that now—five months thereafter—you are discarding that standard or type of ship, perhaps rightly so, and are authorizing the expenditure of a much larger sum for the building of a 42,000-ton displacement battleship? Not only that, but you have discarded the 14-inch gun that you placed upon the battleship authorized five months ago, and are now proposing a 16-inch gun instead.

Each 16-inch gun costs approximately \$100,000 in excess of the 14-inch gun. And it is but fair to state to you that Admiral Strauss, whom many, capable of judging, feel is the best expert on ordnance we have in the country, and who is recognized elsewhere as well, believes that the 14-inch gun is superior to the 16 inch. Admiral Sims, the head of your War College, also concurs in this opinion, and so do many other naval officers. Even the General Board have not made this change in reference to the caliber of your gun upon your battle cruisers, and if you will read the hearings no one undertakes to explain why a 16-inch gun should be placed on battleships and not on battle cruisers. The military purposes to be served by these two types of ships are essentially different, and it would seem that the larger and more powerful gun should be placed on battle cruisers, if on any, since this type of ship, because of its great speed, can choose its own battle range; and at a great distance, say from 16,000 to 18,000 yards, it is not more vulnerable—so Capt. Plunkett, the head of target practice, tells us—than a battleship. This is explained by the fact that the decks on both are lightly armored, and the shot at that distance, likely to do damage, will be a plunging shot falling on the deck.

I mention these facts not by way of criticism, but that you may understand that the evolution in the building of battleships is so rapid that the department now comes to us with essentially different recommendations from those made about five months ago. I am violating no confidence in saying to you that even while you are now considering the building of a 42,000-ton displacement battleship reliable rumor says that plans are being drawn for a battleship of far greater displacement and carrying twenty-four 16-inch guns or twenty 18-inch guns, and with a speed of more than 24 knots. So, perhaps if you should be called back in two months' time, instead of building the type of battleship you are now asked to appropriate for, you may be called on by naval experts to build a ship greatly superior in destructive power and speed to anything building or contemplated in this present bill.

Did you read that very interesting statement which the chairman inserted in his remarks, showing the relative military value of the different battleships heretofore authorized in the last five, seven, or eight years, and how one ship of the type you are now asked to recommend has a military value of three of the older types? If to-day you are facing a condition where just a little delay in appropriating for battleships may probably save both

time and money, why not take the chance of securing at the same time greater efficiency by building later only the type that the experts then advise is best? A few months adds wonderfully to the storehouse of expert information on fighting craft of all kinds, large or small, and this is not strange since we know we are living at a time when experts of highest ability are pressed to the study of these subjects and questions by a threat of national extermination if not wisely solved.

Gentlemen, do you think we are open to the charge made by the chairman, the gentleman from Tennessee [Mr. PADGETT], of breaking a sacred covenant made with the people of the Nation last August, when you adopted the three-year building program, simply because for the reasons set forth in the minority report a postponement of further appropriations for capital ships is suggested until you can devise some plan for constructing seven heretofore appropriated for and not yet contracted for? Why, it is a singular fact that last year, when, as the gentleman from Illinois and others have said, so many thought that the need of additional ships of all types was so imperative, this same Congress, this same naval committee, presided over by the same chairman, were 9 months engaged in holding hearings on and considering the bill passed on the 29th day of last August, which constitutes the sacred compact to which the chairman referred and charged bad faith to those of us who made some sane and wise suggestions in the minority report as to how to hasten the carrying out of the program heretofore authorized, and practice sound economy. No one seemed to think that by taking 9 months then to consider what types of ships should be authorized and immediately appropriated for, that we were unpatriotic or that we were endangering the safety of the Nation.

The bill was brought in after extended hearings and quietly passed on August 29, 1916. You were then led to believe that all of the ships you appropriated for could be completed in 38 months', and less, time, and with this you went before the country. Yet, when six members of the Naval Affairs Committee in five months after you passed this large authorization, the largest ever made by any country at one time, now undertake to suggest and prove that you can not build these ships heretofore appropriated for within the time you impliedly promised, if you allow shipbuilding companies to dictate their own terms, and pointing out how this can be avoided, the chairman undertakes to indict us for not keeping the faith and of violating a solemn compact made with the people.

I now remind the chairman of the committee, who makes this charge, that the essence of that compact—if it be a compact—made with the people of the Nation was not only that we would construct the vessel so authorized, but that we would build them within a certain time and at a fixed stipulated sum.

If this be a solemn compact, from whom has permission been secured to extend time of completion and cost of construction?

I have long since learned that where you have something to build, which you claim is urgently needed, that the most important element of a contract therefor, yea, its very essence, is time of completion, and he who ignores or forgets that important element has himself violated the very contract which he professes to carry out, and violated such contract in its most essential particular. That is why the minority have felt that this House should know the facts and understand that you can not build these ships within a reasonable time, which you are asked to appropriate for, unless some plan is provided for hastening construction.

The minority report first suggested what the majority seems to have entirely overlooked, as to advisability of empowering the President to commandeer private shipyards if an emergency should arise.

Now, in conclusion, let me say I recognize the force of the statements made by many as to the value of submarines. If you have read carefully the statement that the gentleman from Texas [Mr. CALLAWAY] placed in the RECORD this morning from Admiral Grant, you will see the great possibilities of the submarine, and no one can foretell to what extent it may some day challenge, if you please, the command of the seas, even as against battleships and battle cruisers.

Yet, I do not belong to those who at this time believe that we should postpone the construction of additional battleships and battle cruisers and build submarines instead. If you are convinced, however, that it is not wise to order the building of three battleships at this time, until you can be first assured of their early completion, either through authority conferred on the President to commandeer the shipyards in an emergency, or by an appropriation to speedily equip your navy yard so as to make them available for building additional capital ships, then in my opinion it would be wise to increase your appropri-

tions for submarines so as to insure the early construction of 50 submarines of the type specified in the pending bill. [Applause.]

Mr. Chairman, I will insert in the RECORD, under leave to extend, the following editorial from the February 3, 1917, issue of the Scientific American, which shows the necessity of guarding against the demands of private companies both as to time and price:

THOSE ARMOR-PIERCING SHELLS.

We have so often in the past felt called upon to criticize certain features of Mr. Daniels's administration of the great department of which he is the head that it is with very real satisfaction that we extend our approval to his recent action in awarding a contract for armor-piercing shells to a foreign manufacturer. The Secretary's errors were in no small measure due to a system, in which a civilian with no previous technical training finds himself in charge of a department where he is continually called upon to pass judgment on matters of a highly technical character. Not even the most severe critic of the Secretary can deny that in the past year or so he has shown evidence of increasing appreciation of the inner spirit of the Navy, a more comprehensive grasp of the fundamental principles and the broad technical problems upon which it is based and with which it is continually confronted.

The award of the contract for shells to a foreign maker has aroused an inevitable and bitter protest on the part of our own manufacturers; and in sheer self-defense the Navy Department has felt called upon, through its Secretary, to make known to the public certain inside facts in the matter, which we are free to confess have placed the Secretary in an unassailable position by showing that he has been actuated only by a regard for the best interests of the country.

Simply stated, the facts are as follows: On January 3 of this year the department opened proposals for furnishing the Navy with 16-inch and 14-inch armor-piercing projectiles. For the 16-inch projectile the proposals were as follows: Bethlehem Steel Co., 4,000 in 36 months, at \$775 each; Washington Steel & Ordnance Co., 2,500 in 32 months, at \$750 each; Crucible Steel Co., 1,700 in 36 months, at \$758.50 each; Midvale Steel Co., 1,000 in 24 months, at \$900 each; and in addition to these four home firms, one foreign firm, Hadfields (Ltd.), proposed to deliver 3,000 shells in 16 months at \$513 each. For the 14-inch projectiles the proposals were as follows: Crucible Steel Co., 2,000 in 42 months, at \$543.50; Midvale Steel Co., 5,600 in 30 months, at \$550; Washington Steel & Ordnance Co., 1,000 in 22 months, at \$500 each; Hadfields (Ltd.), 4,500 in 19 months, at \$356 each. From these figures it will be seen that Hadfields (Ltd.) offered to build the 16-inch projectiles at from \$237 to \$387 less per shell, and that in the case of the 14-inch projectiles the prices were from \$144 to \$194 less per shell. The time for delivery (a most important consideration, in view of the fact that our present Navy bill is an emergency measure) was in some cases as much as 23 months less.

This question of time and cost is, of course, very important; but far more so is the question of quality, and with regard to this, the facts made public by Mr. Daniels are surprising and certainly disconcerting. He tells us that out of thirty-four 14-inch shells submitted by the Bethlehem Steel Co. for test only three passed, which gives a percentage of 8.8. Of the test shells submitted by the Crucible Steel Co. 37.7 per cent were passed, while of the samples submitted by the Midvale Co. there were passed 73 per cent. Of the shells submitted by the Hadfields (Ltd.), consisting of three sample shells and six additional test shells, not a single one failed to meet all the requirements—a record of 100 per cent.

"In view of this record," the Secretary tells us, "and of the necessity of having our ammunition equal to that of other countries, I felt that I would have been criminally negligent, even if no question of prices were involved, in refusing to accept the bid of the Hadfields. I am determined that our Navy shall have as good ammunition as any other nation, and, if possible, better ammunition, and will buy such ammunition at any time and any place that it can be best obtained."

As we have said, we regard the Secretary's position in this matter to be unassailable. Had the award been made to this foreign company on the ground merely of less time and lower cost, our manufacturers would have had some cause for grievance, for they are obliged, in all Government contracts of this character, to work under the eight-hour law, whereas the foreign competitor is not restricted and may work as many shifts as he pleases. Furthermore, the notoriously higher wages paid in this country constitute a heavy handicap in any competition with foreign munition makers. For this reason we believe that if in competitive bidding for shells, or, indeed, for any naval material, our manufacturer can equal the foreign maker in the quality of the product, he should secure the contract, even though within reasonable limits he should exceed the foreign bid in the matter of cost and time for delivery.

Speaking broadly, it is advisable, in the construction of ships, guns, armor, ordnance, and all the material of war, that this country should be absolutely self-contained, for if we depended upon some foreign country for the supply of certain special material, such, for instance, as these armor-piercing projectiles, it is conceivable that we might some day find ourselves at war with that very country. The moral of the whole situation, then, is that our Ordnance Bureau and the shell manufacturers should get together in the effort to bring American-made projectiles up to the 100 per cent efficiency shown by these Hadfield shells, for, as the Secretary truly says, our Navy should have as good ammunition as any other nation, and, if possible, better.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BUTLER. Mr. Chairman, may I have the attention of the chairman of the Committee on Naval Affairs? Does the gentleman from Tennessee propose to finish this debate to-night?

Mr. PADGETT. I wanted to. I wanted to vote on these amendments.

Mr. BUTLER. To-night?

Mr. PADGETT. Yes.

Mr. BUTLER. Then you will have to get a pretty big quorum here. I am pretty tired. I have sat here and listened for six hours to this debate. I do not want to listen any longer.

Mr. PADGETT. There are 31 minutes remaining, as I understand.

The CHAIRMAN. Yes; 31 minutes remaining, of which the gentleman from Pennsylvania [Mr. BUTLER] has 16 minutes, the gentleman from Tennessee [Mr. PADGETT] has 10, and the gentleman from Alabama [Mr. BURNETT] has 5.

Mr. PADGETT. Suppose that at the end of the debate the committee rise, and vote on the amendments on Monday?

Mr. MANN. That will be an intelligent method. Still I will not object to it. Nobody knows now how the amendments stand. They will know no better on Monday. Still I am not objecting to unintelligent methods, so long as the other side controls. [Laughter.]

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PLATT rose.

Mr. PADGETT. Mr. Chairman, before the gentleman from New York begins, for the benefit of the House I will state that after the expiration of the debate, which will be about 30 minutes from now, I will move that the committee do rise. That will leave pending all these amendments that will be voted upon.

Mr. MANN. While the gentleman has the floor, may I ask him a question?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. PADGETT. Yes.

Mr. MANN. If a rule is brought in and agreed to, providing for the offering of amendments covering the commandeering of shipyards and the condemnation of the aeroplane patents, when will those amendments be offered?

Mr. PADGETT. I was going to offer the commandeering one at the end of line 19, on page 59.

Mr. MANN. That is the next page?

Mr. PADGETT. Yes; that is the next page.

Mr. MANN. Then it would come up early?

Mr. PADGETT. Yes. Then, the other one is on page 5 of the bill. I offered that, as the gentleman may remember, and he reserved a point of order, and we passed over it with the understanding that I might return to call it up.

Mr. BURNETT. Does the rule provide that there shall be debate on the amendments?

Mr. PADGETT. The rule provides that it shall be made in order under the rules of the House in the Committee of the Whole, and it will be open to debate and amendment.

Mr. BUTLER. It will be open to amendment, but I guess it will be impossible to amend it.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HAMILTON of Michigan. Will the gentleman say again at what time he proposes that the committee rise?

Mr. PADGETT. About 30 minutes from now. That will leave all amendments pending.

Mr. LONGWORTH. For Tuesday morning?

Mr. PADGETT. Monday morning. The final vote in the House will be Tuesday morning. We will finish the debate on Tuesday.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BAILEY. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Pennsylvania asks the same privilege. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, finding that there was a little time going to waste, I asked for five minutes of it, not because I know very much about the Navy, but because it seems to me that I know quite as much as some of the gentlemen who have spoken, and I wanted to utter a little protest against the extravagant ideas that people have of the value of submarines.

The submarine is a new and spectacular affair, and everybody seems to think if we have submarines we do not need battleships or anything else at all. Now, it seems to me that submarines are not worth as much as aeroplanes, and an aeroplane carrying only one or two men can fly over the water and find a submarine and destroy it, or lead to its destruction; and if you have a big fleet of aeroplanes, with only one or two men in each one, handled as easily and with less danger, perhaps, than submarines, you can kill off the submarine menace in a comparatively short time. It seems to me that the proper balance of the different classes of vessels in the Navy, battleships,

destroyers, cruisers, and submarines, is something we must leave to the naval experts. I believe they are all valuable. If I were going to go blind on my own ideas, I should be inclined to build more destroyers, believing the destroyer a much more valuable ship than any of the others in proportion to its cost. It is fast, and if we should get involved in the present unpleasantness on the other side of the ocean, or if we are going to try to protect our merchant vessels, the destroyer is the ship that we want to do it with. The submarine always runs from a destroyer. The destroyers hunt out and destroy the submarines with considerable regularity, apparently.

Mr. ADAIR. May I ask the gentleman a question for information?

Mr. PLATT. Yes.

Mr. ADAIR. I should like to ask the gentleman, Is England making an effort along the lines the gentleman suggests to destroy the German submarines by aeroplanes?

Mr. PLATT. I will say to the gentleman that I was talking with an official from the Navy Department awhile ago, and I asked him what information the Navy actually had as to how many submarines had been destroyed by the British Navy, and he said that exact figures could not be gotten at, but, so far as they knew, at least 100, and possibly 150, and that one of the ways they had of destroying them was by means of aeroplane scouting. The submarine at that time was of a smaller type, which would go and lie in shallower places, in estuaries, and so forth, and it was easy enough to see them by flying over the water, and then go and notify the destroyers to come up and draw a net in front of them, or lure them out and destroy them or capture them. In smooth water I understand they can be seen to a considerable depth below the surface by flying over them.

Mr. BUTLER. A hundred feet below the surface.

Mr. ADAIR. In other words, they fly over them and discover them, and then, when they know where they are, they take means to destroy them.

Mr. BUTLER. They can discover them a hundred feet under the surface of the water.

Mr. PLATT. They say they can be seen a hundred feet under the surface of the water. I do not suppose that can be true if the water is very rough.

Mr. BUTLER. No.

Mr. PLATT. I understand they make a certain amount of wave on the top of the water, even when they are quite a little distance below the surface, with their periscopes entirely submerged. Of course, when they are sailing with their periscope submerged they can not see anything. When they are sailing with their periscopes above water they can see only about 3 miles, as the gentleman from Massachusetts stated.

Mr. ADAIR. If the gentleman knows, has England destroyed many of them since this new order went into effect, and has she used aeroplanes to do so?

Mr. PLATT. That, of course, is so recent that nobody can tell. These new and larger submarines have a longer radius and go farther out from the shore. Consequently, an aeroplane has got to fly over longer distances. Most of the older submarines, I think, were discovered quite near the shore, in comparatively shallow water, but they can be seen away off.

Mr. ADAIR. And that is the method employed to locate and destroy them?

Mr. PLATT. Yes, so I am told by those in a position to know the facts.

Mr. BURNETT. As I understand, only a few have been destroyed by battleships.

Mr. PLATT. I should think a battleship would be the worst kind of a weapon against them.

Mr. BURNETT. Have any been destroyed by battleships?

Mr. PLATT. Possibly; but battleships are usually accompanied by destroyers for protection against submarines. The only advantage a battleship could have is that with its higher top it might be able to see a periscope with a good glass farther than the periscope could see the battleship, although I do not know that that is true and should greatly doubt it, unless in very clear weather.

Mr. BUTLER. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Chairman, in these three minutes I want to say a few words in behalf of the amendment offered by the gentleman from Massachusetts. In my humble opinion, we should consider the stern lessons of the past, because they point out unerringly the clear duty of the present. It is our plain and manifest duty as a Nation that desires only to defend and protect itself to maintain the greatest Navy of any nation in the world. Consider for a moment the history of the world. When Spain was the most powerful military nation Philip the

Second and his Armada did not put a single Spaniard on the shores of England. When Louis the Fourteenth, with the genius of Condé and Turenne, was overrunning the Rhine Provinces and the Low Countries, he could not put a single French soldier upon English soil. Napoleon Bonaparte rode as a conqueror into every capital of Europe, but he was not permitted to land even as a captive on the shores of England. To-day Kaiser William of Germany is pushing his army into Poland and Russia, into Serbia and Roumania, into Belgium and France, but he has not placed a single German on the shores of England. Now, my fellow Members, the conclusion is obvious. This rich and resourceful Nation of ours should proceed to build at once and continue to maintain forever a navy sufficient to prevent any other nation in the world from transporting troops across either the Pacific or the Atlantic Ocean. [Applause.] I yield back the remainder of my time.

[Mr. BURNETT addressed the committee. See Appendix.]

Mr. KELLEY. Mr. Chairman, at the request of Mr. BUTLER, I yield one minute to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, in these times when we are preparing for national defense by means of submarines and submarine destroyers and torpedo boats and battleships, it is well for us to call to mind that there are other means of national defense than the implements of destruction. Engraved upon the stone over the tomb of the late John Hay, in Lakeview Cemetery, Cleveland, Ohio, is this inscription:

The fruit of righteousness is sown in peace to them that make peace.

Would it not be well if we had in the councils of this Nation to-day such men as the late John Hay, the Secretary of State some years ago? [Applause.]

Mr. KELLEY. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I do not agree with some of my colleagues who would make much further increases in this bill. I do not agree with those who would take away any portion of the present bill. I believe that the Committee on Naval Affairs has given to this great and important work the best possible service, and I think the bill meets fairly well the wishes of the people and also the present needs. I trust that I am as patriotic as the average American and the average Member of this House. I trust that I want to do the very best that it is possible to do for my country. I have endeavored to do that in service in this House and I endeavored to do it when this country was at war.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. DYER. Yes.

Mr. GORDON. Do you undertake to measure men's patriotism by the amount of appropriations voted out of the Public Treasury, regardless of whether they are needed or not?

Mr. DYER. Mr. Chairman, I do not think there is anything in what I have said that warrants such a question, but I will say that I do not, of course.

Mr. GORDON. Then how is it pertinent here how much patriotism you have as a Member on this question of appropriations?

Mr. CAMPBELL. Mr. Chairman, I hope the gentleman from Ohio will observe the rules of the House in his interrogatories of the gentleman who has the floor.

Mr. DYER. Oh, we are accustomed to the gentleman from Ohio and his method of procedure, which is contrary to all precedent in the House; but, Mr. Chairman, we in this country to-day are hysterical about the whole situation. We find that the public press has been misled in many instances and false and misleading statements have gone out to the country. We find that the departments of the Government, some of them, are in hysteria, so much so that you can not go to the Departments of the War and the Navy, and probably others, without being identified. Even Members of Congress must be identified who go there upon official business, because of the scare that affects the administration and those in power.

Mr. Chairman, there ought to be no need for that. There ought to be no need for any outrageous appropriation for the Navy or for the Army. I think we ought to have a good Navy and one equal to all emergencies that are likely to arise. We have no trouble so far as this country is concerned now or in the near future, as I can see it, except what appears with Germany, but if we can bridle, and I think we ought to bridle, the few insane Americans that we have who are anxious to travel in the dangerous zone where the submarine warfare is raging—and I see in the newspaper to-day where an American who had booked for sailing on an American liner canceled it and intended sailing on a British ship going to the war zone. Mr. Chairman, there may be no way that we can prevent them. There may

be no way under strict parliamentary law and the laws of nations that justify us in stopping them, and yet that person may be the one who will bring us to the most disastrous war, whether we win or lose in the end. It means great loss, and a man like that ought not to be permitted, regardless of what law there may be in this country, to sail upon a British ship under those conditions. [Applause.] We ought to have the power, and it ought to be exercised by somebody in stopping that man the same as we stop a man rushing into a burning building, where he would surely lose his life. In the latter case that is permitted in the name of humanity. There ought to be a way, too, to stop fool Americans at this time from going to Europe on belligerent merchantmen or ships. Insanity ought to be lodged against them so they can be detained, for they are either crazy or they are in a criminal conspiracy to get the United States into this horrible war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. How much time, Mr. Chairman, have I remaining?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. BUTLER. Mr. Chairman, as we all remember at the last session we authorized a certain program. We appropriated for one-half of the program at the time. This appropriation is for one-fourth of the program, or one-half of the half of that which was left. Whether or not we will be able to construct it within the time I would like to see it constructed, I do not know. That it can be very greatly expedited I do know, and it might be interesting for the few of us who are here considering a paragraph in the bill that will involve something like \$100,000,000, to know that one shipyard has already put three shifts on the *Idaho*, which was 60 per cent completed last week, and we hope to see her launched within 40 or 50 days, and completed so that it may be used within three months' time. I believe that with the disposition shown by the manufacturers in the United States, spoken of in the newspapers we read whenever we open a paper, this program and whatever the country may need in the way of national preparedness may be procured at quite an early date and on terms quite satisfactory. It is true that the prices have advanced, that labor has increased, not in its demands but in what it deserves, and I do not believe that it receives more than it ought to have in view of the advance in prices of living. I do not know whether the program can be completed within the estimated sum—\$588,000,000—which we anticipated it might be completed for, or whether it will require more money. I suppose it will.

The question will be given us perhaps Monday next to determine whether or not we shall go on and build the balance of these ships and enlist the Navy up to its authorized strength; I do not know whether we shall ever need this great strength; I have my own views. I have not time now, but before this bill is completed I expect to make some remarks that are strictly personal. I do not know what the country should have in the way of national preparedness, but I do know that the duty has been placed by the Constitution upon Congress to provide for the national defense, and that in preparing the defense at this time we have the approval of the President of the United States, the Secretary of the Navy, and all of those charged with the responsibility of using the defense. I do not know whether the test of patriotism is measured by merely voting for large appropriations. I do know, however, that there are plenty of men patriotic enough to die, convinced they have done what is right, and the only approval they receive is from God Almighty, who is the only witness to their heroism. I do not believe it is necessary—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER (continuing). To face cannon amidst the roar of great guns in order to show patriotism; an equal reward is due to men who do what in their consciences they believe is right to do for the cause of their country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Tennessee [Mr. PADGETT] is recognized for 10 minutes.

Mr. PADGETT. Mr. Chairman, this afternoon I took the precaution to announce that we would not have any votes this afternoon, fully realizing that the Members would avail themselves of the privilege and the pleasure and the opportunity of leaving, and that I would have only those who were so kind and generous as to remain to hear what I might have to say.

As stated by the gentleman from Pennsylvania [Mr. BUTLER], the ranking member of the minority upon the committee, only a few months ago, in August of last year, we passed the naval appropriation bill in which we, after due consideration, after long hearings, full discussion here and in the Senate, and considered in conference, adopted a definite program providing

for so many battleships, so many battle cruisers, so many scout cruisers, so many torpedo destroyers, so many submarines, and certain other additional ships auxiliary in their character. The adoption of that program received almost the unanimous vote of both sides. It was an overwhelming majority. In the bill last year we made appropriations for a certain proportion of that program, which it was provided should be begun within three years. In the bill now before the House we have taken substantially one-half of the remainder of the program from the appropriation of last year, leaving half of the remainder, or, as stated by the gentleman, about a little more than one-fourth of the total three-year program for next year. That was a solemn pledge that we made to the people of the country. The Congress of the United States could not in any more definite way plight its faith and its honor to the American people than was done by the legislation participated in by both sides of the Chamber in the last session of the Congress.

Mr. BUTLER. Will the gentleman be kind enough to yield?
Mr. PADGETT. Yes.

Mr. BUTLER. Will the gentleman object to having it stated in his remarks here that when this legislation was first passed through the House 363 gentlemen voted for the measure; that Mr. BROWNING, of New Jersey, voted against it because of reasons he stated at the time; that Mr. GRAHAM, of Pennsylvania, voted against it because he objected to one portion of the bill, which included Government ownership; and that Mr. LONDON, of New York, and Mr. RANDALL voted against it? There were 4 votes in opposition and 363 votes for it.

Mr. PADGETT. So that I was correct in stating that it was substantially a unanimous declaration of the House.

Mr. CALLAWAY. Mr. Chairman, I was included in the ones that voted for it, not the three-year program, which was the first proposition that came in here, but I did not vote for it because it was necessary.

Mr. PADGETT. This was the last one; the one when you were not here.

Mr. BUTLER. The one that passed the bill.

Mr. CALLAWAY. I wanted to say that I voted for that program with the understanding with some members of the committee who were in favor of a larger program that they would do everything to keep it down to that—the first proposition that was brought in.

Mr. SLAYDEN. Does the gentleman advance the doctrine that support of a measure this year pledges a man to support it next year or next week—a bigger one or the same one?

Mr. PADGETT. I take the position that having pledged our faith and our honor to the American people in August that we put our hands to the plow, and I do not propose to look back.

Mr. SLAYDEN. Will the gentleman answer my question?

Mr. PADGETT. Yes; I answered.

Mr. SLAYDEN. If he votes for a measure this year, does that commit him to vote for this same measure next year, when conditions may be different?

Mr. PADGETT. Conditions may be different, but they are not different in the sense of going back but different in the sense of going forward.

Mr. SLAYDEN. The gentleman is advancing an opinion now.

Mr. PADGETT. The gentleman calls it an opinion.

Mr. SLAYDEN. That is a statement; that is not reason.

Mr. PADGETT. The gentleman calls it an opinion; but on the front page of every newspaper in this country for the past week has been incontestible and undoubted evidence of changed conditions that call not only for wise and patriotic consideration of public questions but for intelligent action and for keeping faith in that program with the American people. [Applause.]

Mr. GORDON. Mr. Chairman—

The CHAIRMAN. Will the gentleman yield?

Mr. SLAYDEN. Did not the gentleman from Tennessee, on his motion to recommit, vote against substantially this thing?

Mr. PADGETT. No; that motion to recommit was a far different proposition, and if it had carried would have put in this bill this year at least \$50,000,000 more than it will carry when it becomes a law. I voted against that because it was a very different program.

Mr. SLAYDEN. It makes no difference whether it was fifty or one hundred millions more.

Mr. PADGETT. It is a different proposition. I am in favor of, and, as I have stated on other occasions, I had much to do with originating, the continuous program. I was for a five-year program. I tried to get it through my committee, but when I could not I withdrew it. But when the three-year program came from the Senate we submitted it to this House, and this House approved it by a vote of 393, I believe the gentleman from Pennsylvania [Mr. BUTLER] said.

Mr. BUTLER. No. That was the House bill. There were 52 or 54 votes in the House against the conference report. I gave the chairman the House bill vote.

Mr. PADGETT. Then I was mistaken in saying to the gentleman from Texas [Mr. CALLAWAY] a moment ago that that was the vote that he did not participate in. He did participate in that vote in which there were only 5 in the negative.

Mr. BUTLER. The gentleman from Texas voted against recommitting the bill.

Mr. PADGETT. Yes, sir; so did I.

Mr. BUTLER. He was paired in favor of this bill, according to the RECORD.

Mr. BURNETT. No. It shows that he voted for it. That was the first time, I will say to my friend, and for the reason that he just stated; but the inference left, as I understand it, was that when it came back from conference there were only 4 votes against it.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. PADGETT. Yes, sir.

Mr. GORDON. What do you mean by your statement about the front pages of these newspapers? They have no seats on the floor of this House, have they?

Mr. CALLAWAY. Yes; the biggest seats here. [Laughter.]

Mr. PADGETT. I have shown that those who occupy the seats in this House read the front pages of the newspapers.

Mr. GORDON. But you do not undertake to say that our official action should be controlled by what is on the front pages of the newspapers, would you?

Mr. PADGETT. No; but I would say that when the front pages of the newspapers record facts that address themselves to our intelligence and our patriotism we should heed them. [Applause.]

Mr. GORDON. Well, that is a very important qualification. [Laughter.]

Mr. PADGETT. Now I move, Mr. Chairman, that the committee rise.

The CHAIRMAN. The gentleman from Tennessee moves that the committee rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20632) making appropriations for the Naval service for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREGG, for one week, on account of important business.

To Mr. BRITT, for one week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8492. An act to restore homestead rights in certain cases.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto, across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-

water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

S. 2880. An act for the relief of Martin V. Parmer;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.; and

S. 2749. An act for the relief of George L. Thomas.

HOOR OF MEETING ON MONDAY—11 O'CLOCK A. M.

Mr. PADGETT rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. PADGETT. I wanted to ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection?

There was no objection.

PRIVATE CALENDAR.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that on Monday evening a session of the House be held to consider bills on the Private Calendar, the session to commence at 7.30 o'clock and to sit not later than 10.30 o'clock. I might say I make that request after having consulted gentlemen on both sides who are interested in the matter; and I make the further request that the House stand in recess until 7.30 Monday evening from the time it finishes its work on Monday afternoon.

The SPEAKER. The gentleman from Delaware asks unanimous consent that next Monday afternoon, when the House stops business—

Mr. BENNET. Would it not be a good idea to make that 6 o'clock or any hour prior to that?

Mr. KITCHIN. Make it "if the House should sooner adjourn."

The SPEAKER. No; not "adjourn." The gentleman from Delaware asks unanimous consent that on next Monday there shall be a night session, to begin at 7.30 o'clock and extend to not exceeding 10.30 o'clock.

Mr. BUTLER. Mr. Speaker, has the gentleman consulted the leader on our side?

Mr. MILLER of Delaware. I made a statement that the gentleman possibly did not hear, that I consulted the leaders on both sides.

Mr. BUTLER. Very well.

Mr. KITCHIN. To consider unobjected bills on the Private Calendar.

Mr. MILLER of Delaware. Yes; unobjected bills on the Private Calendar.

The SPEAKER. Now, as to the time of taking the recess, we got into a tangle about that the other day.

Mr. MILLER of Delaware. Mr. Speaker, I withdraw that part of the request.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman at what point he proposes to commence the consideration of those bills?

Mr. MILLER of Delaware. I presume, unless unanimous consent is given otherwise, they would start at the beginning of the calendar.

Mr. RAKER. Why can we not make an agreement now to start at the beginning of the calendar, and then that will end any question about it at that time?

Mr. MILLER of Delaware. If the gentleman wants to do that, it is satisfactory to me, although the calendar would be started at the beginning unless changed by unanimous consent.

Mr. RAKER. Yes; I ask that we commence at the beginning of the Calendar for Private Claims.

The SPEAKER. The gentleman from California [Mr. RAKER] asks to begin at the top of the calendar. Is there objection to the request of the gentleman from Delaware [Mr. MILLER] as modified by the amendment of the gentleman from California [Mr. RAKER]?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House, under its previous order, adjourned until Monday, February 12, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for salaries and expenses of the United States Tariff Commission for the fiscal year ending June 30, 1918 (H. Doc. No. 2047), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 20803) to define and punish espionage, reported the same without amendment, accompanied by a report (No. 1449), which said bill and report were referred to the House Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co., reported the same with amendment, accompanied by a report (No. 1450), which said bill and report were referred to the House Calendar.

Mr. POU, from the Committee on Rules, to which was referred the resolution (H. Res. 499) making in order an amendment to the bill H. R. 20632, the naval appropriation bill, reported the same without amendment, accompanied by a report (No. 1451), which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAMILTON of New York: A bill (H. R. 20862) to ratify and confirm a lease given by the Seneca Nation of Indians for the right to excavate sand on the Cattaraugus Reservation, in the State of New York; to the Committee on Indian Affairs.

By Mr. BURKE: A bill (H. R. 20863) to establish a fog signal at the Port Washington Pierhead Light Station, Wisconsin; to the Committee on Appropriations.

By Mr. PLATT: Resolution (H. Res. 494) requesting the President of the United States to furnish certain information regarding American ships engaged in trade with Great Britain, France, or Italy; to the Committee on Foreign Affairs.

By Mr. BAILEY: Resolution (H. Res. 495) providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas: Resolution (H. Res. 496) providing for the consideration of S. 5450; to the Committee on Rules.

By Mr. SHERWOOD (by request): Resolution (H. Res. 497) providing for a referendum vote on a declaration of war; to the Committee on Foreign Affairs.

By Mr. BUCHANAN of Illinois (by request): Resolution (H. Res. 498) providing for a referendum on a declaration of war; to the Committee on Foreign Affairs.

By Mr. POU: Resolution (H. Res. 499) providing for the consideration of amendments to H. R. 20632, naval appropriation bill; referred to the House Calendar.

By Mr. SINNOTT: Joint resolution (H. J. Res. 367) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORGAN of Oklahoma: Joint resolution (H. J. Res. 368) authorizing the appointment of a joint committee to prepare and report a bill to provide the farmers of the United States with better credit facilities for short-time and personal loans; to the Committee on Banking and Currency.

By Mr. DILL: Memorial of the Legislature of the State of Washington favoring the construction of a military highway

along the north bank of the Columbia River connecting Forts Vancouver and Canby; to the Committee on Roads.

Also, memorial of the Legislature of the State of Washington, urging that an appropriation be made by Congress to reimburse the State of Washington for expenditures made in recruiting the National Guard of the State of Washington; to the Committee on Claims.

Also, memorial of the Legislature of the State of Washington, requesting the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense; to the Committee on Military Affairs.

By Mr. WOODYARD: Memorial of the Legislature of the State of West Virginia, approving the course pursued by the President and the State Department in severing diplomatic relations with the Imperial German Government; to the Committee on Foreign Affairs.

By Mr. LITTLEPAGE: Memorial of the State of West Virginia, approving the course pursued by the President and the State Department in severing diplomatic relations with the Imperial German Government; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 20864) granting a pension to Mary C. McLaughlin; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 20865) for the relief of Mary Elizabeth Graham; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20866) to increase the pensions of the widows of the War with Mexico; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 20867) granting a pension to Peter H. Semmel; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 20868) granting a pension to Lotta K. Boyd, widow of the late Capt. Charles T. Boyd, and to Eliza and Klem, his children; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 20869) for the relief of the owners of the steam barge *Genesee* and the barge *J. Mooney*; to the Committee on Claims.

By Mr. MURRAY: A bill (H. R. 20870) granting a pension to G. A. Potts; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Local Union No. 1500, United Mine Workers of America, Mahanoy City, Pa., relative to high cost of living; to the Committee on the Interstate and Foreign Commerce.

By Mr. ASHBROOK: Memorial of Mansfield (Ohio) Trades Council, and E. E. Cassel and 30 others, of Richland County, Ohio, against United States declaring war without a referendum vote; to the Committee on Foreign Affairs.

By Mr. BRUCKNER: Petition of George H. Gibson, of New York, favoring the equalization of postal rates on first and second class matter; to the Committee on the Post Office and Post Roads.

Also, petition of committee on the suppression of the pine blister in North America, favoring the supplemental appropriation for the suppression of the pine-blister rust; to the Committee on Agriculture.

Also, petition of Personal Liberty League of Maryland, protesting against nation-wide prohibition and other prohibition measures; to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of the United States of America, protesting against methods of taxation as proposed in House bill 20573; to the Committee on Ways and Means.

Also, petition of Ruthenian National League of Scranton, Pa., requesting the President to designate and appoint a day on which to raise funds for the relief of Ruthenians; to the Committee on the Library.

Also, petition of the Massachusetts State Board of Trade, favoring Federal regulation of railway rates, interstate and intrastate Federal control of railway securities, proposed strikes, etc., by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of William E. Mellor, of Philadelphia, Pa., favoring the passage of House bill 19185; to the Committee on the Merchant Marine and Fisheries.

Also, petition protesting against the passage of House bill 19350, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Central Bronx Improvement Association, of New York City, signed by F. A. McNally, favoring the Griffin-Penrose bill; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Memorial of Common Council of Milwaukee, Wis., asking that one of the new battle cruisers to be built be named *Milwaukee*; to the Committee on Naval Affairs.

Also, memorial of Common Council of Milwaukee, Wis., asking that Panama Canal act be amended so as to permit railway lines to own and operate steamships on the Great Lakes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: Memorial of citizens of sixth assembly district of New York City, relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of employees of Post Office Department, of Los Angeles, Cal., favoring bill to increase salaries; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excess profits; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of City Council of Milwaukee, Wis., asking that one of the battle cruisers now being built be named the *Milwaukee*, as cruiser bearing that name was recently wrecked; to the Committee on Naval Affairs.

By Mr. DALE of New York: Memorial of employees of Post Office Department, of Los Angeles, Cal., favoring passage of bill to increase salaries; to the Committee on the Post Office and Post Roads.

Also, petition of New York State Forestry Association, relative to appropriation for fighting pine-blister rust; to the Committee on Agriculture.

Also, memorial of New York Society for the Suppression of Vice, favoring passage of the Sims-Kenyon bill to suppress turf gambling; to the Committee on the Judiciary.

By Mr. DILL: Petition of Bethel Presbyterian Church and other organizations, favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of American Federation of Labor, relative to investigating cost of news-print paper; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Winnebago County (Ill.) Socialist Central Committee, against a declaration of war without a referendum; to the Committee on Foreign Affairs.

Also, petitions of National Association of Letter Carriers, United National Association of Post Office Clerks, National Federation of Post Office Clerks, and National Association of Supervisory Post Office Employees, for legislation to increase salaries to a maximum of \$1,500 per year; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of the United States of America, opposing tax on excess profits, etc.; to the Committee on Ways and Means.

Also, petition of local inspectors, Steamboat-Inspection Service, Chicago, Ill., for increase of salary; to the Committee on Appropriations.

By Mr. GALLIVAN: Memorial of Old Middlesex Chapter, Sons of the American Revolution, favoring compulsory military training; to the Committee on Military Affairs.

Also, petitions of sundry citizens of Massachusetts, relative to permanent peace through a concert of nations; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excise profits; to the Committee on Ways and Means.

Also, memorial of members of the Massachusetts Branch of the League to Enforce Peace, favoring adoption of the league's proposal by the United States; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 17049, granting an increase of pension to Josiah Dock; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11897, for pension for Mary E. Crowl; to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of Claude D. Hamilton and others, of the State of Michigan, favoring House bill 270, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of Rev. C. B. Stroh and others, relative to House bill 264, for investigation of charges made against the papal system, etc.; to the Committee on Rules.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., favoring passage of House bill 17806, relative to salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petitions of Dora G. Ogle and Edna S. Latimer, of Baltimore, Md., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Harriet Reynolds, of Bradshaw, Md., favoring House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Monumental Division, No. 52, Brotherhood of Locomotive Engineers, against passage of House bill 19730; to the Committee on Immigration and Naturalization.

By Mr. McARTHUR: Petition of mass meeting of citizens of Portland, Oreg., against war; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mr. J. E. Morrison, secretary of McKeesport League of Peace, McKeesport, Pa., opposing compulsory military training; to the Committee on Military Affairs.

By Mr. NORTON: Petition of 165 citizens of Golden Valley, Mercer County, N. Dak., asking Congress to submit the question of war to a referendum vote of the people of the United States; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of Reading Grange, No. 50, of Reading Center, N. Y., by George W. McNemen, H. O. Howard, and Mrs. Susie Jennings, legislative committee, opposing an embargo on the agricultural products of this country; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Elmira, N. Y., by J. E. Bally, secretary, favoring the Borland daylight-saving bill; to the Committee on Labor.

By Mr. RAKER: Memorial of Vicksburg (Miss.) Board of Trade, relative to Federal reserve act; to the Committee on Banking and Currency.

By Mr. ROBERTS of Nevada: Petition of Reno (Nev.) Commercial Club, favoring the Poindexter long-and-short-haul bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Tonopah local Socialist Party, favoring an embargo on all foodstuffs shipped away from United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of United Leather Works of the World, against militarism; to the Committee on Military Affairs.

Also, petition of John M. Lloyd, of Brooklyn, N. Y., against House bill 20204, parcel-post scheme of zones; to the Committee on the Post Office and Post Roads.

Also, petition of E. W. Victor, of Brooklyn, N. Y., favoring passage of House bill 20080, migratory-bird treaty bill; to the Committee on Foreign Affairs.

Also, petition of National Educators' Conservation Society, of New York City, against passage of the water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Manufacturers and Business Men's Association of New York, against tax on excess profits; to the Committee on Ways and Means.

By Mr. SNYDER: Petitions of Utica (N. Y.) Chamber of Commerce, opposing proposed tax on excess profits; to the Committee on Ways and Means.

Also petitions of Rome (N. Y.) Trades Assembly, for a referendum to the people before war is declared in any case by the United States; to the Committee on the Judiciary.

By Mr. STINESS: Petition of citizens of Westerly, R. I., favoring certain prohibition legislation; to the Committee on the Judiciary.

By Mr. TAGUE: Memorial of employees of Post Office Department, of Los Angeles, Cal., relative to raise in salaries; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of Fitchburg (Mass.) Military Training School, favoring universal compulsory military service; to the Committee on Military Affairs.

SENATE.

MONDAY, February 12, 1917.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thy name, for we continually need the replenishing of Thy heavenly grace that we may record in this place the achievements of a Christian civilization and

forge out the way by which we may progress to yet larger achievements and to a fuller life. We thank Thee for the assurance that Thou dost look upon us with Divine interest, that Thou hast for us the fullness of life, that Thou who hast opened Thy hand and supplied the need of every living thing dost look upon us with the interest of a father, and that Thy will concerning us is our eternal welfare. Hear us as we come before Thee this morning, and guide us in the duties of this day. For Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the proceedings of the preceding session.

Mr. GALLINGER. Mr. President, the attendance being so light, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Shafroth
Bankhead	Gronna	Martin, Va.	Sheppard
Brady	Harding	Martine, N. J.	Sherman
Brandegee	Hardwick	Myers	Smith, Ga.
Bryan	Hitchcock	Nelson	Smith, S. C.
Catron	Hollis	Newlands	Smoot
Chamberlain	James	Oliver	Stone
Chilton	Johnson, Me.	Overman	Sutherland
Clapp	Jones	Page	Thomas
Cole	Kenyon	Pittman	Tillman
Cummins	Kirby	Poindexter	Townsend
Curtis	La Follette	Ransdell	Vardaman
Fall	Lane	Reed	Warren
Fernald	Lea, Tenn.	Robinson	Works
Fletcher	Lodge	Saulsbury	

Mr. MARTINE of New Jersey. I rise to announce that the Senator from South Dakota [Mr. JOHNSON] is detained from the Senate on official business.

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. HUGHES] is absent on account of illness.

Mr. THOMAS. The Senator from North Carolina [Mr. SIMMONS] and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business.

Mr. CHILTON. I wish to announce that the following members of the Judiciary Committee, the Senator from Texas [Mr. CULBERSON], the Senator from Montana [Mr. WALSH], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Wyoming [Mr. CLARK] are engaged upon business of the Senate in that committee and can not attend.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1916, which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

S. 1061. An act to allow additional entries under the enlarged homestead act;

S. 1553. An act for the relief of Peter Kenney;

S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 2749. An act for the relief of George L. Thomas;

S. 2880. An act for the relief of Martin V. Parmer;

S. 3681. An act for the relief of the owners of the steamship *Esparta*;

S. 3743. An act to reimburse John Simpson;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 5632. An act for the relief of Aquila Nebeker;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;